

JOURNAL  
OF  
THE SENATE  
OF THE  
STATE OF INDIANA,  
DURING THE  
TWENTY-FOURTH SESSION  
OF THE  
GENERAL ASSEMBLY,  
COMMENCED AT INDIANAPOLIS  
DECEMBER 2, 1839.

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1839.



# SENATE

OF THE

## STATE OF INDIANA.

*The twenty-fourth Session of the General Assembly of the State of Indiana convened this day at Indianapolis, conformably to the Constitution, and the Senate assembled.*

MONDAY, DEC. 2, 1839.

### PRESENT,

The Hon David Hillis, President of the Senate, who having resumed his seat, directed a call of the members; whereupon the following Senators answered to their names:

- From the county of Fountain—Jesse Bowen.*
- From the counties of Vigo, Sullivan and Clay—James T. Moffatt.*
- From the county of Montgomery—John Beard.*
- From the county of Marion—Henry Brady.*
- From the county of Franklin—David Mount.*
- From the county of Dearborn—Johnson Watts.*
- From the county of Decatur—James Morgan.*
- From the county of Switzerland—Martin R. Greene.*
- From the counties of Cass, Miami and Fulton—George W. Ewing.*
- From the counties of Delaware and Randolph—Andrew Kennedy.*
- From the counties of Fayette and Union—William Watt.*
- From the county of Floyd—Preston F. Tuley.*
- From the counties of St. Joseph, Kosciusko and Stark—Thomas D. Baird.*
- From the county of Morgan—Grant Stafford.*
- From the counties of Gibson, Pike and Dubois—John Hargrove.*
- From the county of Orange—Ezekiel Riley.*
- From the county of Hancock and Madison—Thomas Bell.*
- From the counties of Allen, Wells and Adams—Wm. G. Ewing.*
- From the county of Rush—Joseph Lowe.*
- From the county of Wayne—Achilles Williams.*
- From the county of Washington—Henry W. Hackett.*



From the county of Lawrence—Gustavus Clark.  
 From the county of Jefferson—Copeland P. J. Arion.  
 From the county of Clark—Wm. G. Armstrong.  
 From the counties of Greene and Owen—David M. Dobson.  
 From the counties of Laporte, Porter, Lake, White, Pulaski, and part of Jasper—Charles W. Cathcart.

### SENATORS ELECTED IN 1839.

From the county of Henry—Jehu T. Elliott.  
 From the counties of Bartholomew and Jennings—Zachariah Tannehill.  
 From the counties of Vermillion, Warren and a part of Jasper—James Blair.  
 From the county of Harrison—Henry Kinzer.  
 From the counties of Jackson and Scott—John F. Carr.  
 From the county of Ripley—James H. Cravens.  
 From the counties of Perry, Spencer and Crawford—G. B. Thompson.  
 From the counties of Knox, Daviess and Martin—Robert N. Carnan.  
 From the county of Monroe—William Berry.  
 From the county of Johnson—Samuel Herriott.  
 From the county of Shelby—Joseph B. Nickoll.  
 From the counties of Boone and Hamilton—Jacob Angle.  
 From the county of Hendricks—Christian C. Nave.  
 From the county of Putnam—A. C. Stephenson.  
 From the county of Parke—Joseph A. Wright.  
 From the county of Tippecanoe—Thomas Smiley.  
 From the counties of Grant, Wabash, Huntington, Blackford and Jay—John Foster.

From the counties of Elkhart, Lagrange, Noble, Steuben and DeKalb—Ebenezer M. Chamberlain.

The Senate then proceeded to the election of a Principal Secretary, Messrs. Thompson and Ewing of Allen, acting as tellers, when upon counting the votes, upon the first ballot it appeared that

Charles H. Test received . . . 44 votes.

Charles H. Test was declared duly elected and sworn into office.

The Senate then proceeded to the election of an Assistant Secretary, Messrs. Dobson and Brady acting as tellers, and on counting the votes, on the first ballot, it appeared that

Alexander F. Morrison received . . . 22 votes

Isaac S. Drake " . . . 19 "

Scattering . . . 3 "

Neither of the gentlemen having received a majority of all the votes given,

The Senate proceeded to ballot a second time for Assistant Secretary, whereupon,

Alexander F. Morrison received . . . 27 votes

Isaac S. Drake " . . . 17 "

Alexander F. Morrison was declared duly elected and sworn into office.

The Senate then proceeded to the election of an Enrolling Secretary, Messrs. Arion and Baird of St. Joseph, acting as tellers, and upon counting the votes of the 3d ballot, it appeared that

Willis A. Gorman received . . . 26 votes

John B. Defrees " . . . 14 "

G. B. Rush " . . . 2 "

Scattering . . . 2 "

Willis A. Gorman having received a majority of all the votes given, was declared duly elected and sworn into office.

The Senate then proceeded to the election of a Door-keeper, Messrs. Stafford and Bell acting as tellers, and on counting the votes on the 3d ballot, it appeared that David Miller had received a majority of all the votes given, and was accordingly declared duly elected and sworn into office.

Mr. Dobson moved to proceed to the election of a Sergeant-at-arms, which was not agreed to.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Beard of Montgomery, Bell, Blair, Clark, Dobson, Elliott, Hackett, Lowe, Morgan, Riley, and Watts—12.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Berry, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Cravens, Ewing of Allen, Ewing of Cass, Foster, Green, Hargrove, Herriott, Kennedy, Kinzer, Moffatt, Mount, Nave, Nickoll, Smiley, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Williams, and Wright—32.

On motion of Mr. Dobson,

*Resolved*, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected Charles H. Test Principal Secretary, Alexander F. Morrison Assistant Secretary, Willis A. Gorman Enrolling Secretary, and David Miller Door-keeper, and that they are ready to proceed to legislative business.

On motion, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Finch, Senator from the counties of Carroll and Clinton, appeared and took his seat.

Mr. Kennedy having obtained leave, introduced a joint resolution, entitled

No. 1, "A joint resolution concerning the committees of the Senate."

Which was read a first time,



And the rules having been dispensed with, it was read a second time,  
And the rules having been further dispensed with, it was read a third time.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Carnan, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Hargrove, Kennedy, Kinzer, Lowe, Mount, Nave, Nickoll, Riley, Smiley, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt and Williams—32.

*Those who voted in the negative were,*

Messrs. Armstrong, Clark, Green, Moffatt, Watts and Wright—5.

And so the joint resolution passed.

*Ordered,* That the Secretary inform the House of Representatives of the passage of the joint resolution.

On motion of Mr. Baird of St. Joseph,

*Resolved,* That the joint rules which were in force for the government of the last General Assembly, be adopted by the Senate, as the rules of the joint action for the present session, and that the House of Representatives be informed of the adoption of said joint rules, and their concurrence requested therein.

On motion of Mr. Baird of St. Joseph,

*Resolved,* That the editors of the Indiana Journal and Democrat be permitted to occupy seats within the Senate Chamber, during the present session for the purpose of reporting the proceedings of the Senate.

Mr. Baird of St. Joseph offered the following resolution:

*Resolved,* That the Doorkeeper of the Senate be, and he is hereby authorized to contract with the several editors of newspapers published in Indianapolis for — copies of each of their respective papers during the present session of the General Assembly, to be delivered to each Senator in the Senate Chamber, separately enveloped, at a price not to exceed the advance price to subscribers in the country.

Mr. Kennedy moved to amend said resolution, by adding to the same the following:

“Which papers are to be paid for out of the private pockets of the members.”

Which amendment was negatived,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Beard of M. Bowen, Carr, Clark, Green, Hargrove, Herriott, Kennedy, Lowe, Morgan, Mount, Nickoll, Stephenson, Tannehill, Watts and Williams.—18.

*Those who voted in the negative were,*

Messrs. Angle, Beard of St. Jo., Bell, Berry, Blair, Brady, Carnan, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Hackett, Moffatt, Nave, Riley, Smiley, Stafford, Thompson, Tuley, Watt and Wright—26.

Mr. Thompson moved to amend said resolution by adding the following:

“The Senate reserving the right to discontinue the papers at their discretion.”

Which amendment was accepted by the mover.

Mr. Dobson moved to fill the blank number of papers in said resolution with the word “three,” which motion prevailed.

Mr. Kennedy moved to indefinitely postpone the said resolution, which was not agreed to.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Beard of M., Bowen, Carr, Clark, Green, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Morgan, Mount, Stephenson, Tannehill, Watts, and Williams—18.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Jo., Bell, Berry, Blair, Brady, Carnan, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Hackett, Moffatt, Nave, Riley, Smiley, Stafford, Thompson, Tuley, Watt and Wright—26.

Mr. Bowen moved to lay said resolution on the table,

Which motion did not prevail.

Mr. Thompson moved to amend said resolution, by striking out the words:

“Several editors of newspapers published in Indianapolis” and insert “editors of the Indiana Journal and Democrat.”

Which amendment was accepted by the mover,

And on the question, “shall said resolution pass?”

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Jo., Bell, Berry, Blair, Brady, Carnan, Cathcart, Chamberlain, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Hackett, Moffatt, Nave, Nickoll, Riley, Stafford, Thompson, Tuley, Watt and Wright—25.



*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Beard of M., Bowen, Carr, Clark, Cravens, Green, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Morgan, Mount, Smiley, Stephenson, Tannehill, Watts and Williams—20.

So said resolution passed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have adopted the following resolution:

*Resolved*, That the clerk of this House inform the Senate that the House of Representatives have convened, formed a quorum, elected James G. Read Speaker, Horatio J. Harris Principal Clerk, Nathaniel Bolton Assistant Clerk, Henry Secrets Enrolling Clerk, and James M. Lucas Doorkeeper, and are now ready to proceed to legislative business.

The House have also adopted the following resolution,

*Resolved*, That a committee of two be appointed on the part of this House to act with a similar one on the part of the Senate to wait on the Rev. Mr. Beecher, and request him to attend in the Hall of the House of Representatives, to-morrow morning, at 10 o'clock, to open the present session of the General Assembly by prayer; and that the Senate be requested to reciprocate this resolution, and that seats be prepared for them on the right of the Speaker's chair. Messrs. Morgan and Stewart are appointed said committee on the part of the House.

Mr. Thompson moved that the Senate reciprocate the resolution of the House, and that a committee on the part of the Senate be appointed,

Which motion prevailed,

And Messrs. Thompson and Mount were appointed that committee.

On motion of Mr. Beard of M.

*Resolved*, That a committee of two on the part of the Senate be appointed to act with a similar committee on the part of House of Representatives to wait on His Excellency the Governor and inform him that the two Houses have convened, elected their officers and are ready to receive any communication he may be pleased to make to them, and to know at what time he will make such communication; and that the House of Representatives be informed of the adoption of this resolution; a similar one on their part requested: and Messrs. Beard of M., and Cathcart were appointed such committee on the part of the Senate.

And on motion,

The Senate adjourned,

TUESDAY MORNING, DEC. 3, 1839.

The Senate assembled.

The President laid before the Senate annual reports from the Evansville, New Albany, and South Bend branches of the State Bank of Indiana, and

On motion of Mr. Dobson, said reports were laid on the table.

Mr. Mount offered for adoption the following resolution:

*Resolved*, That the Doorkeeper of the Senate be authorized to agree with and employ two assistants during the present session of the Legislature, at a compensation not to exceed one dollar per day each.

Mr. Elliott moved to amend said resolution, by adding

"And that the Treasurer of State be directed to employ an able bodied hand by the day or month to prepare the fuel ready for the fire;"

Which amendment was adopted.

And the resolution as amended was adopted.

On motion of Mr. Dobson,

*Resolved*, That the resolution adopted on yesterday authorizing the Doorkeeper to contract for newspapers be declared to include the President of the Senate.

Mr. Kennedy moved to amend said resolution by adding the following:

"And that the Treasurer of State be requested to lay before the Senate the amount expended within the last three years for furnishing such papers to the Senate;"

Which amendment did not prevail, and the resolution was adopted.

The following message was received from the House of Representatives by Mr. Harris their clerk;

Mr. President—

The House of Representatives have passed an engrossed joint resolution of the Senate, entitled,

No. 1, an engrossed joint resolution concerning the committees of the Senate, without amendment.

Mr. President—

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have reciprocated the resolution of the Senate to adopt the rules which were in force for the government of the last General Assembly, as the rules of the joint action for the present session.

The House of Representatives have also reciprocated the resolution of the Senate to appoint a committee of two on the part of the Senate to act with a similar committee on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that the two houses have convened, elected their officers, and are



ready to receive any communication he may be pleased to make to them, and to know at what time he will make such communication.

Messrs. Long and Farley have been appointed a committee on the part of the House of Representatives.

On motion of Mr. Thompson,

*Resolved*, That the Treasurer of State be requested to lay before the Senate, the amount expended within the last year for furnishing newspapers to the members of the General Assembly.

Mr. Thompson from the committee appointed for that purpose, made the following report:

Mr. President—

The joint committee upon the part of the Senate and House of Representatives appointed to request the Rev. Mr. Beecher to open the present session of the General Assembly by prayer, has discharged the duty; and the committee on the part of the Senate herein report that the request of the Legislature will be complied with by the Rev. gentleman.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have adopted the following resolution:

*Resolved*, That the Senate be invited to attend in this hall *instanter*, for the purpose of opening the present General Assembly by prayer, and that seats be provided for them on the right of the Speaker's chair.

Whereupon, the Senate immediately proceeded to the Hall of the House of Representatives, and after listening to a very appropriate and impressive appeal to the Throne of Grace by the Rev. Mr. Beecher, returned to their chamber.

The President announced the appointment of Messrs. Bowen and Williams, as a committee on enrolled bills; and

On motion, the Senate adjourned.

2 o'clock P. M.

The Senate Assembled.

Mr. Beard of M., from the committee appointed for that purpose, made the following report:

Mr. President—

The joint committee appointed to wait upon his Excellency the Governor, and inform him that the two houses have convened, formed a quorum, elected their officers, and are ready to receive any communi-

cation he may be pleased to make to them; and to ascertain at what time he will make such communication; now report, that they have discharged that duty, and received for answer, that he will at 2 o'clock P. M. on this day, make a communication to the two houses, in the hall of the House of Representatives.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have adopted the following resolution:

*Resolved*, That the House will, on Thursday the 5th instant, at 10 o'clock, the Senate concurring therein, proceed to the election of circuit judges and prosecuting attorneys, in the several judicial circuits in this State, to fill the vacancies that have occurred by resignation or otherwise.

The House of Representatives have also adopted the following resolution:

*Resolved*, That the Senate be invited to attend *instanter* in the hall of the House of Representatives, to receive the message of his Excellency the Governor, and that seats be provided for them on the right of the Speaker's chair.

The Senate thereupon proceeded to the Hall of the House of Representatives, when his Excellency, the Governor, delivered his annual message to both Houses of the General Assembly.

The Senate then returned to their chamber.

The President laid before the Senate the following communication from the President of the State Bank:

Indianapolis, December 3, 1839.

Hon. DAVID HILLIS,

*President of the Senate—*

SIR: Please lay the enclosed communication before the Senate.

Yours respectfully,

S. MERRILL.

*To the General Assembly of the State of Indiana:*

I had hoped to present to you, at the commencement of the session, a full statement respecting the agreement made in April last with the Morris Canal and Banking Company, for a loan of one million of dollars, to increase the State stock in the bank, but this cannot be done for a few days.

The two articles drawn on the subject were left in New York with the Fund Commissioners, as they were to carry into execution the contract on the part of the State; and though they were requested to bring on the originals, that copies might be taken here, it was inadvertently omitted.



A brief statement of what has been done in the business, was given to the Governor to be communicated in his message.

The security for the payment of the \$490,000, it is understood, has been furnished; and the absence of the Fund Commissioners from New York may have prevented the return of the \$500,000 State bonds, which were to have been handed over the 17th November.

Annexed is a copy of a letter from Mr. Southard, as to the sufficiency of the security. Similar information was obtained by Mr. Scott in Philadelphia, from the most respectable authority.

It has been thought best that I should leave for New York, to obviate any difficulty, if any there should be, as to the other \$500,000; and as to other interests of the State, and the bank, which at this time seem to require attention. Only a short absence is anticipated.

S. MERRILL.

SAMUEL MERRILL, ESQ.,  
President, &c. &c.—

Sir: Continued absence for several days, has prevented me, until this moment, from receiving and answering your letter of the 2d November.

You ask my opinion of the present and prospective value of the stock of the Little Schuylkill & Susquehannah Rail Road, and the sufficiency of \$600,000 of that stock, as collateral security for the payment of \$490,000 in monthly instalments.

I think it abundantly sufficient. I have no knowledge of its present rate in the market, nor of the amount which the \$600,000 might bring at this moment. Nor do I suppose that you can desire information on this point, in the present state of the money market. As to its future value and sufficiency, to answer for the specified sum, as collateral security, I entertain no doubt. I have examined a portion of the rail road, and taken some pains to form an opinion of its cost, and of its future prospects, and have no hesitation in saying, that there are very few, if any, rail roads in this country, so well calculated to ensure to the stockholders an abundant recompense for their expenditures. It would probably be neither appropriate nor expected from me, to state the grounds of my opinion. I consider it one of the very best routes for a rail road in the United States, and have no doubt that it must, when completed, be one of the most productive, and the stock among the most valuable.

I am, very respectfully, &c. &c.,  
SAM'L L. SOUTHARD.

J. City, Nov. 16, 1839.

Mr. Thompson moved that 1500 copies of the communication be printed for the use of the Senate,  
Which motion did not prevail.

Mr. Ewing of Allen, moved that the communication be referred to a select committee,

Which motion was agreed to,

And the President of the Senate appointed Messrs. Ewing of Allen, and Baird of St. Joseph such committee.

Mr. Baird of St. Joseph, moved that three additional members be placed upon said committee by the President of the Senate,

Which motion was agreed to,

And Messrs. Bowen, Arion and Brady were accordingly appointed.

On motion of Mr. Thompson,

Messrs. Wright and Cravens were also added to said committee.

On motion of Mr. Kennedy,

Mr. Thompson was also added to said committee.

The President laid before the Senate the annual report of the Lawrenceburgh Branch of the State Bank of Indiana.

On motion of Mr. Bowen,

The report was laid upon the table.

On motion of Mr. Beard of M.,

The Senate took up the resolution of the House of Representatives fixing the time for going into the election of Circuit Judges, and Prosecuting Attorneys,

And Messrs. Armstrong and Green were appointed tellers.

And, on motion of Mr. Dobson,

The Senate reciprocated said resolution.

On motion of Mr. Nave,

Resolved, That copies of the message of his Excellency, the Governor, be printed for the use of the Senate.

Mr. Kennedy moved that the blank in said resolution be filled with the number forty-seven.

Mr. Beard of M. moved that said blank be filled with 2000.

Mr. Wright moved that 10,000 be inserted,

And the question being taken on the highest number, it was decided in the negative.

The question recurring on the next highest number, it was decided in the affirmative,

And the blank was filled with 2000.

On motion,

The Senate adjourned.

WEDNESDAY MORNING, DEC. 4.

The Senate assembled.

The President laid before the Senate the annual report of the Vincennes branch of the State Bank of Indiana.

On motion of Mr. Brady said report was laid upon the table.

The President laid before the Senate the annual report of the Bedford Branch of the State Bank of Indiana.

On motion of Mr. Clark said report was laid upon the table.

The President laid before the Senate a communication from "the



American and Foreign Agency in London, which was read, and

On motion of Mr. Clark, laid upon the table.

The President laid before the Senate two several agreements of the proprietors of the Indiana Journal and Indiana Democrat proposing to furnish their respective papers in pursuance of a resolution of the Senate on that subject.

On motion, laid upon the table.

Mr. Thompson offered for adoption the following resolution:

*Resolved*, That the public printer be directed to print — hundred Documentary Journals, and for that purpose, all documents ordered to be printed by the Senate for the use of the Senate, there shall be printed — extra copies to constitute said Documentary Journal; each document being regularly numbered; and said document so ordered to be printed, not to be re-printed and published in the Minute Journal of the Senate.

On motion of Mr. Arion, said resolution was laid upon the table.

Mr. Ewing of Cass, offered for adoption the following resolution:

*Resolved*, That whereas we are informed by his Excellency, the Governor, in his late message, that in pursuance of the law of 1836, authorizing a loan of ten millions of dollars for a system of internal improvement, that said amount has been loaned and squandered, and has produced the immense returns of \$13,338 canal and rail road tolls."

And whereas His Excellency hopes that said works "may not be abandoned altogether," and to the end that the residue thereof may be finally completed as contemplated in said message.

*Be it further Resolved*, That the invaluable services of the late fund commissioner, Dr. Coe, be again put in requisition; that thereby sundry soap factories, and tallow chandleries, and valueless obligations of sundry swindling corporations in and about New-York and the city of Hoboken, procured by said Dr. Coe and others, for the state of Indiana, in exchange for her state bonds, may be hypothecated or converted, and the proceeds applied to the purchase of mulberry trees, sugar beets, and the residue of the stock of the Morris Canal and Banking Company, and that out of the profits resulting from the cultivation and dividends thereof, said glorious system of 1836 may be ultimately completed.

Mr. Dobson moved to amend said resolution by adding, after the words, "sugar beets," the following words: "Brandeth's Pills and the Matchless Sanative;"

Which amendment was accepted by the mover.

Mr. Bowen moved further to amend said resolution by adding the following:

"And that the profits of the tallow chandlery be especially reserved for the improvement of the Michigan Road;"

Which amendment was adopted. And

On motion of Mr. Clark said resolution with the amendments, were laid upon the table.

Mr. Wright offered for adoption, the following resolution:

*Resolved*, That so much of the Governor's Message as relates to the completion of a part of the public works, meets the decided approbation

of the Senate; and that we view the system of internal improvement, by the act of 1836, with its management up to the present time as impolitic; and that the suspension of all the public works except one, or not more than two at most, is called for by every class of our community; and that it is the decided opinion of this Senate, that under the present situation of our financial affairs, and of the resources of the state, that it is expedient and practicable to classify the public works, and to modify the act of 1836, not only in word but in practice; and that a further prosecution of the whole of the public works, (if we had the means,) at one and the same time, would be destructive of the best interest of the state.

Mr. Chamberlain moved to lay said resolution on the table.

And said resolution was laid upon the table by consent.

Mr. Thompson introduced a joint resolution, (No. 2,) entitled

"A joint resolution relative to the election of Sergeant-at-Arms."

Which was read a first time.

Mr. Thompson moved that the rules of the Senate be dispensed with, and the joint resolution be read a second time now,

Which motion did not prevail.

And the joint resolution was ordered to a second reading on tomorrow.

And on motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from the Governor :

Hon. DAVID HILLIS,

*President of the Senate,*

Joseph M. Moore is appointed private Secretary, and is authorized to make communications from this Department to the Senate.

DAVID WALLACE.

Executive Department, Dec. 4th, 1839.

Mr. Brady moved that the Governor's Message be committed to a committee of the whole Senate, and made the special order of the day for Friday next, at 10 o'clock, A. M.

Which motion was agreed to.

Mr. Bowen from the committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills now report, That they have compared the enrolled with the engrossed joint resolution of the Senate (No. 1) entitled "A joint resolution concerning committees of the Senate," and find the same truly enrolled.

And on motion, the Senate adjourned.



## THURSDAY MORNING, DEC. 5.

The Senate assembled.

Mr. Berry, having obtained leave, introduced a bill, entitled,  
No. 3, a bill for the relief of the collector of the state revenue for  
the county of Monroe;

Which was read a first time, and,

On motion of Mr. Wright,

The rules were suspended and the bill read a second time, and re-  
ferred to a select committee.

Ordered, That said select committee consist of Messrs. Wright,  
Berry, and Lowe.

The President laid before the Senate the annual report of the Se-  
cretary of State; also the report of the State Librarian;

Which were read, and,

On motion of Mr. Stephenson, laid on the table.

The following message was received from the House of Represen-  
tatives, by Mr. Harris, their Clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate  
that the House of Representatives have adopted the following reso-  
lution:

*Resolved*, That the Senate be invited instanter into the Hall of this  
House for the purpose of electing Judges and Prosecutors in the se-  
veral judicial circuits in this state, wherein there are vacancies, and  
that seats be provided for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the Hall of the House of Re-  
presentatives for the purpose of electing said officers.

The convention then proceeded to elect by ballot a President  
Judge of the fifth judicial circuit, and upon counting the votes upon  
the first ballot, it appeared that

|                             |           |
|-----------------------------|-----------|
| James Morrison had received | 130 votes |
| Scattering                  | 12 "      |

Mr. Morrison having received a majority of all the votes given, the  
President declared him duly elected as President Judge of the 5th ju-  
dicial circuit to fill the vacancy occasioned by the resignation of Wil-  
liam W. Wick, for the unexpired balance of time for which said Wick  
was elected.

The convention then proceeded to elect by ballot a President Judge  
of the the 8th judicial circuit, and upon counting the votes upon the  
first ballot, it appeared that

|                             |          |
|-----------------------------|----------|
| John W. Wright had received | 54 votes |
| Thomas Johnson              | 46 "     |
| Henry Chase                 | 36 "     |
| Wm. O. Ross                 | 4 "      |
| Scattering                  | 2 "      |

Neither of the gentlemen having received a majority of all the votes  
given, the convention proceeded to ballot a second time, and upon  
counting the vote on the 2d ballot, it appeared that

|                             |          |
|-----------------------------|----------|
| John W. Wright had received | 70 votes |
| Thomas Johnson              | 51 "     |
| Henry Chase                 | 19 "     |
| Scattering                  | 12 "     |

Neither of the gentlemen having received a majority of all the votes  
given, the convention proceeded to ballot a third time, and upon count-  
ing the votes upon the 3d ballot, it appeared that

|                             |      |
|-----------------------------|------|
| John W. Wright had received | 74 " |
| Thomas Johnson              | 65 " |
| Henry Chase                 | 4 "  |

Mr. Wright having received a majority of all the votes given, the  
President declared him duly elected as President Judge of the 8th  
judicial circuit, to serve as such, for seven years from and after the  
9th day of January next.

The convention then proceeded to elect by ballot, a President Judge  
of the 11th judicial circuit, and upon counting the votes upon the first  
ballot, it appeared that

|                            |           |
|----------------------------|-----------|
| David Kilgore had received | 102 votes |
| Elisha Vance               | 34 "      |
| Scattering                 | 6 "       |

Mr. Kilgore having received a majority of all the votes given, the  
President declared him duly elected as President Judge of the 11th  
judicial circuit to serve as such until the expiration of the term of time  
for which the Hon. Morrison Rulon had been elected.

The convention then adjourned, not having finished the elections for  
which they convened, and the Senate returned to their chamber.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Nathan Smith, Senator from the county of Wayne, appeared and  
took his seat.

Whereupon the Senate again entered the Hall of the House of Re-  
presentatives and took their seats for the purpose of continuing the  
elections which were pending previous to the adjournment of the con-  
vention.

The convention then proceeded to elect by ballot, a Prosecuting  
Attorney for the first judicial circuit, and on counting the votes on the  
first ballot, it appeared that

|                               |          |
|-------------------------------|----------|
| Samuel C. Wilson had received | 88 votes |
| Robert C. Gregory             | 54 "     |
| Scattering                    | 1 "      |

Mr. Wilson having received a majority of all the votes given, the  
President declared him duly elected as Prosecuting Attorney for the



first judicial circuit, to serve as such two years from and after this day.

The convention then proceeded to elect by ballot, a Prosecuting Attorney for the third judicial circuit, and on counting the votes on the first ballot, it appeared that

|                          |           |
|--------------------------|-----------|
| John Dumont had received | 120 votes |
| G. M. Thompson " "       | 22 "      |
| Scattering               | 1 "       |

Mr. Dumont having received a majority of all the votes given, the President declared him duly elected as Prosecuting Attorney for the third judicial circuit, to serve as such for two years from and after the 11th day of December, instant.

The convention then proceeded to elect by ballot, a Prosecuting Attorney for the fifth judicial circuit, and on counting the votes on the first ballot, it appeared that

|                                 |          |
|---------------------------------|----------|
| William J. Peaslee had received | 96 votes |
| Abram A. Hammond " "            | 46 "     |
| Scattering                      | 1 "      |

Mr. Peaslee having received a majority of all the votes given, the President declared him duly elected as Prosecuting Attorney for the fifth judicial circuit to serve as such for two years from and after this day.

The convention then proceeded to elect by ballot, a Prosecuting Attorney for the seventh judicial circuit, and on counting the votes upon the first ballot, it appeared that

|                               |           |
|-------------------------------|-----------|
| Delany R. Eckles had received | 100 votes |
| Scattering                    | 37 "      |

Mr. Eckles having received a majority of all the votes given, the President declared him duly elected as Prosecuting Attorney for the seventh judicial circuit, to serve as such for two years from and after the fifteenth day of February next.

The convention then proceeded to elect by ballot a Prosecuting Attorney for the eleventh judicial circuit, and on counting the votes upon the first ballot, it appeared that

|                             |          |
|-----------------------------|----------|
| Jeremiah Smith had received | 71 votes |
| Richard Winchell " "        | 46 "     |
| Joseph Anthony " "          | 16 "     |
| John Brownlee " "           | 4 "      |
| Scattering                  | 5 "      |

Neither of the gentlemen having a majority of all the votes given, the convention proceeded to a second ballot, and upon counting the votes upon the second ballot, it appeared that

|                             |          |
|-----------------------------|----------|
| Jeremiah Smith had received | 75 votes |
| Richard Winchell " "        | 50 "     |
| Joseph Anthony " "          | 10 "     |
| Scattering                  | 3 "      |

Mr. Smith having received a majority of all the votes given, the President declared him duly elected as Prosecuting Attorney for the

eleventh judicial circuit, to serve as such for two years from and after this day.

The convention having completed its business, the Senate returned to its chamber.

Mr. Bowen having obtained leave, introduced a joint resolution, No. 4, entitled a joint resolution relating to the duty of the Enrolling Clerks of the two Houses of the General Assembly;

Which was read a first time, and,

On motion of Mr. Brady, the rules were dispensed with and the joint resolution read a second time now.

On motion of Mr. Bowen, the rules were further dispensed with, and the joint resolution read a third time now.

And the joint resolution passed.

The following message was received from the Governor by Mr. Moore, his Private Secretary:

MR. PRESIDENT—

I am instructed by the Governor to inform the Senate, that he has this day approved and signed a joint resolution which originated in the Senate, entitled

A joint resolution concerning the committees of the Senate.

Mr. Bowen, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills now report, that they did this day present to His Excellency the Governor for his approval and signature, a joint resolution of the Senate,

No. 1, entitled a joint resolution concerning the committees of the Senate.

And on motion,

The Senate adjourned.

FRIDAY MORNING, DEC. 6.

The Senate assembled.

The President announced the following standing committees of the Senate:

STANDING COMMITTEES.

ON ELECTIONS.

Messrs. Watt, Greene, Angle, Riley, Mount, Hackett, Armstrong, Heriott, Baird of St. Joseph, Lowe, Bowen, and Bell.



## ON WAYS AND MEANS.

Messrs. Beard of M., Blair, Finch, Moffatt, Tuley, Dobson, Watts, Cathcart, Baird of St. J., Wright, Bell, Armstrong and Kennedy.

## ON THE JUDICIARY.

Messrs. Thompson, Hackett, Kennedy, Baird of St. J., Nave, Cravens, Armstrong, Elliott, Angle, Ewing of A., Finch, Chamberlain, Carnan, and Wright.

## ON EDUCATION.

Messrs. Bowen, Dobson, Cravens, Cathcart, Foster, Smith, Tannehill, Moffatt, Stephenson, Thompson, Ewing of C. and Nave.

## ON MILITARY AFFAIRS.

Messrs. Ewing of C., Bell, Blair, Greene, Watts, Berry, Tuley, Carr, Lane, Watt, Tannehill, and Finch.

## ON ROADS.

Messrs. Cathcart, Stafford, Brady, Hargrove, Kinzer, Lowe, Nickoll, Smiley, Arion, Chamberlain, and Finch.

## ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Baird of St. J., Stephenson, Clark, Bowen, Beard of M., Hackett, Arion, Bell, Herriott, Ewing of A., Williams, Lowe, Mount, Lane, and Kinzer.

## ON THE TOWN OF INDIANAPOLIS.

Messrs. Brady, Angle, Carr, Clark, Dobson, Elliott, Hargrove, Morgan, Nave, and Nickoll.

## ON CLAIMS.

Messrs. Dobson, Carnan, Berry, Ewing of C., Morgan, Riley, Smiley, Smith, Stafford, and Watts.

## ON THE STATE PRISON.

Messrs. Armstrong, Greene, Bowen, Arion, Mount, Tuley, Cathcart, Riley, Wright, and Stafford.

## ON UNFINISHED BUSINESS.

Messrs. Hackett, Smith, Hargrove, Smiley, Stafford, Tannehill, and Nickoll.

## ON THE STATE LIBRARY.

Messrs. Bell, Berry, Blair, Carnan, Chamberlain, Cathcart, Elliott, Lane, Kennedy, Armstrong, and Thompson.

## ON PUBLIC BUILDINGS.

Messrs. Moffatt, Herriott, Clark, Beard of M., Morgan, Nickoll, Kinzer, and Lowe.

## ON THE STATE BANK.

Messrs. Arion, Kennedy, Moffatt, Tuley, Baird of St. J., Williams, Bowen, Beard of M., Lowe, Clark, Ewing of A., Cravens, and Carnan.

## ON THE CANAL FUND.

Messrs. Kennedy, Brady, Armstrong, Stephenson, Cravens, Baird of St. J., Bell, Watt, Elliott, and Ewing of Cass.

## ON AGRICULTURE.

Messrs. Watts, Carr, Berry, Finch, Angle, Foster, Ewing of C., Greene, Hargrove, Herriott, Lowe, Kinzer, Morgan, Mount, Riley, Smith, Tannehill, Smiley, and Watt.

## ON CORPORATIONS.

Messrs. Ewing of A., Angle, Beard of M., Blair, Carr, Chamberlain, Elliott, Wright, Nave, and Thompson.

## ON ENROLLED BILLS.

Messrs. Bowen and Williams.

## JOINT COMMITTEES.

## ON PUBLIC BUILDINGS.

Messrs. Finch, Wright, and Brady.

## ON THE CANAL FUND.

Messrs. Mount, Williams, and Stephenson.

## ON THE STATE LIBRARY.

Messrs. Greene, Bell, and Ewing of Allen.

The President also announced the following order of business:

The following is the order of business to be observed by the Senate during the present session, until changed by the Senate:

1. Reading of the Journal,
2. Petitions, Memorials, and Remonstrances,
3. Reports from Standing Committees, as follows, to wit:
  1. On Elections,
  2. On Ways and Means,
  3. On the Judiciary,
  4. On Education,
  5. On Military Affairs,
  6. On Roads,
  7. On Canals and Internal Improvements,
  8. On the town of Indianapolis,
  9. On claims,
  10. On the State Prison,
  11. On the State Library,
  12. On Public Buildings,
  13. On the State Bank,
  14. On the Canal Fund,
  15. On Agriculture,
  16. On Corporations,
  17. On Unfinished business,
4. Reports from Select Committees,
5. Resolutions of the Senate,
6. Joint Resolutions,
7. Bills,
8. Orders of the Day,



The committee on enrolled bills, is not restricted by the preceding rules, but may report at any time.

On motion of Mr. Brady, 100 copies of the standing committees of the Senate and of the order of business, were ordered to be printed for the use of the Senate.

The President laid before the Senate the Annual Report of the Treasurer of State, which was,

On motion of Mr. Beard of M., referred to the committee on Ways and means.

The President laid before the Senate a report of the commissioner of the 3 per cent. fund, which was

On motion of Mr. Dobson, referred to the committee on roads.

The President laid before the Senate the report of the Treasurer of State on the surplus revenue; which was

On motion of Mr. Hargrove, referred to the committee on education.

The President laid before the Senate the annual report of the Auditor of State; which was

On motion of Mr. Brady, referred to the committee on ways and means.

The President laid before the Senate a communication from the Fund Commissioners, on the subject of the sale of State bonds.

On motion of Mr. Brady, 500 copies of the same were ordered to be printed.

The President laid before the Senate the annual report of the State Bank of Indiana, accompanied with annual reports from the Branches at Madison, Lafayette, and Michigan City; which were,

On motion of Mr. Brady, laid upon the table.

The President laid before the Senate the annual report of the branch of the State Bank of Indiana at Richmond, which was

On motion of Mr. Brady, laid upon the table.

The President laid before the Senate, the annual report of the branch of the State Bank of Indiana at Indianapolis; which was

On motion of Mr. Stephenson, laid upon the table.

Mr. Wright from the select committee appointed for that purpose, made the following report:

The committee to whom was referred

A bill for the relief of the collector of the county of Monroe, have had that subject under consideration, and have directed me to report

That they believe the passage of the bill would set a bad precedent, and that from all the information they can receive from the Treasurer and Auditor of State, they have come to the conclusion that it would be better to have the matter as it now is; with the Treasurer of State, they are aware that promptness is indispensable in the collection of the State revenue, but that they believe in no instance has the Treasurer refused the per centum on the collections to collectors when payment was made in a reasonable time, after the time fixed by law, and your committee believe that said discretion will be used in all instances where legislation would be necessary, and that they believe it

unnecessary to legislate on this subject, and ask to be discharged from the further consideration thereof;

Which report was concurred in and the committee were discharged.

On motion of Mr. Kennedy the bill was laid upon the table.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have adopted the following resolution:

*Resolved*, That the House will, on Friday the 6th inst. at 2 o'clock, P. M., the Senate concurring therein, proceed to the election of Prosecuting Attorney in the 8th judicial circuit, to fill the vacancy occasioned by the resignation of John W. Wright.

Messrs. Fitch and Campbell are appointed tellers on the part of the House.

On motion of Mr. Kennedy, the Senate concurred in said resolution of the House of Representatives, and Messrs. Kennedy and Clark were appointed tellers on the part of the Senate.

On motion of Mr. Clark, the Senate, according to order, resolved itself into a committee of the whole on the Governor's Message, Mr. Clark in the chair.

And after considering said subject in said committee;

On motion, the committee rose, and Mr. Clark reported that the committee had the same under consideration, and had adopted sundry resolutions concerning said message, in which the concurrence of the Senate is requested.

During the pendency of the question of concurrence,

On motion, the Senate adjourned.

The Senate assembled.

2 o'clock, P. M.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have adopted the following resolution:

*Resolved*, That the Senate be requested to attend in the hall of the House of Representatives instantler, for the purpose of electing a Prosecuting Attorney for the 8th judicial circuit, to fill the vacancy occasioned by the resignation of Mr. Wright, and that seats be provided for them on the right of the Speaker's chair.



ment; which amendment was "to strike out the latter clause of said resolution;"

Which motion did not prevail, and the resolution was concurred in.

Mr. Mount moved to concur in resolution No. 10, with an amendment, as follows:

Insert, after stocks in other corporations, the words "and real estate;"

Which motion prevailed, and the resolution as amended, was concurred in.

Mr. Mount moved to concur in resolution No. 13, with an amendment, as follows: "strike out the resolution from the resolving clause, and insert,

*Resolved*, That that part of the Governor's message relative to the selection and disposition of the lands for the continuation of the Wabash and Erie Canal, be referred to the committee on canals and internal improvements."

A division of the question being called for, the Senate refused to strike out, and the amendment did not prevail.

Mr. Wright moved to concur in resolution No. 13, with an amendment as follows:

*Resolved*, That so much of the Governor's message as speaks of the separation of the Wabash and Erie Canal, from the mouth of Tippecanoe to Terre-Haute, from the system proper, of 1836, be referred to a select committee, consisting of the delegation representing the counties through which said canal is located, with leave to report by bill or otherwise.

Mr. Bowen moved to amend as follows:

To strike out the words "select committee."

During the pendency of which question,

On motion, the Senate adjourned.

#### SATURDAY MORNING, DEC. 7.

The President laid before the Senate annual reports from the Terre Haute and Fort Wayne Branches of the State Bank of Indiana; which were,

On motion of Mr. Brady, laid upon the table.

Mr. Kennedy presented the petition of Samuel Moore and others, citizens of Jay county, praying the attachment of certain territory to the county of Jay, which was,

On motion of Mr. Kennedy, referred to the committee on the judiciary.

The Senate then resumed the consideration of the report of the committee of the whole on the Governor's message.

Mr. Bowen withdrew his amendment to the amendment offered by Mr. Wright.

The question recurring on the adoption of Mr. Wright's amendment, And the ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Kinzer, Morgan, Smiley, Thompson, Watts and Wright—13.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Jo., Bell, Berry, Blair, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Foster, Hackett, Hargrove, Herriott, Kennedy, Lowe, Moffatt, Mount, Nave, Nickoll, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt and Williams—33.

And so the amendment was negatived, and the resolution was concurred in.

No. 14. *Resolved*, That so much of the message as relates to the Cumberland road, be referred to a select committee, to be composed of all the members representing counties through which the road runs.

No. 15. *Resolved*, That so much of the Governor's message as relates to state scrip, be referred to the committee on ways and means.

No. 16. *Resolved*, That so much of the Governor's message as relates to the State Prison, and the procuring a Chaplain therefor, be referred to the committee on the state prison.

No. 17. *Resolved*, That so much of the Governor's message as relates to the receiving from the Secretary of the Treasury of the United States, the set of standard weights authorized by Congress, be submitted to a select committee.

No. 18. *Resolved*, That so much of the Governor's message as relates to relief laws be referred to the committee on the judiciary.

No. 19. *Resolved*, That so much of the Governor's message as relates to the speedy completion of the Wabash and Erie canal and payment of debts due contractors on the public works, be referred to the committee on canals and internal improvements.

No. 20. *Resolved*, That so much of the Governor's message as refers to the harbor at Michigan city be referred to a select committee.

No. 21. *Resolved*, That so much of the Governor's message as relates to mineral resources of the state; and the continuation of the State Geologist be referred to a select committee of eleven, one to be chosen from each judicial circuit.

No. 22. *Resolved*, That so much of the Governor's message as relates to the Maine boundary question be referred to a select committee.

No. 33. *Resolved*, That so much of the Governor's message as relates to the improvement of the falls in the Wabash river, be referred to the committee on canals and internal improvements.

No. 23. *Resolved*, That so much of the Governor's message as relates to a proper circulating medium, to compete with other states, and to prevent fluctuation in these matters, be referred to the committee on the State Bank.



No. 24. *Resolved*, That so much of the Governor's message as relates to public buildings, be referred to the standing committee on that subject.

No. 25. *Resolved*, That so much of the Governor's message as relates to the resolutions of the legislature of Kentucky, on the subject of slavery, be referred to the committee on the judiciary; and also so much of the message as relates to the communication from the Governor of New York.

No. 26. *Resolved*, That so much of the Governor's message as relates to the Lafayette and Crawfordville road, be referred to the committee on canals and internal improvements.

No. 27. *Resolved*, That so much of the Governor's message as relates to the tardy prosecution, by the state of Ohio, of her portion of the Wabash and Erie canal, be referred to a select committee.

And resolutions Nos. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, were concurred in without amendment.

On motion of Mr. Elliott,

*Resolved*, That the committee on education inquire if the present law providing for the loan of the congressional township school funds, requires the applicant for a loan, to obtain from the clerk of the circuit court, a certificate that there is no judgment or other liability of record in his office against the lands of the applicant, and if not, to inquire into the expediency of such a law, with leave to report by bill or otherwise.

On motion of Mr. Angle,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the law regulating common schools, as to make it more plain and easy of comprehension and distribute more equal justice.

Mr. Brady offered for adoption the following resolution:

*Resolved*, That the standing committee on the judiciary be directed to report a bill, at as early a day as practicable, providing for an equalization of the several judicial circuits of the state, so as to divide the labor among the several circuit judges as near equal as possible.

Mr. Morgan moved the following amendment:

"And also inquire into the expediency of forming one additional circuit, to be composed of the counties of Franklin, Ripley, Jennings, Decatur, Shelby, and Bartholomew;

Mr. Nickel moved the following amendment to the amendment:

Strike out the county of "Shelby;" which amendment to the amendment was agreed to.

Mr. Ewing of Allen moved further to amend the amendment offered by the Senator from Decatur, as follows:

"Also inquire into the expediency of forming a new circuit out of the counties of Allen, Huntington, Whitley, De Kalb, Steuben, and Elkhart,

Which amendment was agreed to.

Mr. Chamberlain moved further to amend the amendment of the Senator from Allen as follows:

To add the county of "Kosciusko," which was agreed to.

Mr. Arion moved to amend said amendment further by adding as follows:

"And also to inquire into the expediency of increasing the salaries of the president judges of the circuit courts,

Which amendment was not agreed to.

Mr. Dobson moved the following amendment:

"Also to inquire into the expediency of adding the county of Morgan to the 7th circuit."

Which amendment was not agreed to.

Mr. Angle moved the following amendment:

"Also of adding the county of Boone to the first judicial circuit."

Which amendment was not agreed to.

Mr. Ewing of Allen moved the following amendment:

"To inquire into the expediency of forming a new circuit to be composed of the counties of Allen, Whitley, De Kalb, Steuben and Lagrange."

Which amendment was not agreed to.

Mr. Baird of St. Joseph moved to change the reference of said resolution by inserting "a select committee of eleven, one from each judicial circuit;" which was agreed to.

Mr. Thompson moved to amend the resolution by striking out the word "directed" and insert, "to inquire into the expediency of."

Which was agreed to.

Mr. Ewing of Allen moved to amend by adding:

"And also to inquire into the expediency of forming a new circuit, or circuits;" which was agreed to.

And the resolution as amended was adopted.

*Ordered*, That the following senators constitute said select committee.

From the 5th circuit, Mr. Brady,

|     |      |    |                     |
|-----|------|----|---------------------|
| Do. | 1st  | do | Mr. Finch,          |
| Do  | 2d   | do | Mr. Hackett,        |
| Do  | 3d   | do | Mr. Cravens,        |
| Do  | 4th  | do | Mr. Thompson,       |
| Do  | 6th  | do | Mr. Elliott,        |
| Do  | 7th  | do | Mr. Wright,         |
| Do  | 8th  | do | Mr. Ewing of Allen, |
| Do  | 9th  | do | Mr. Chamberlain,    |
| Do  | 10th | do | Mr. Dobson,         |
| Do  | 11th | do | Mr. Kennedy.        |

On motion of Mr. Tuley,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of the passage of a law authorizing the organization of a board of equalization in the assessment of taxable lands in this state, with leave to report by bill or otherwise.

Mr. Wright offered for adoption the following preamble and resolution:

Whereas, the State Bank of Indiana has, during the last autumn suspended specie payments, and that it is the opinion of this Senate, that by said act said Bank has forfeited her charter, and that her



franchises and rights are surrendered to the Legislature; and whereas his Excellency has referred in his message to the subject of the Bank and the suspension:

*Resolved, therefore,* That the same be referred to the committee on the State Bank, with instructions to report the following as suitable amendments to said charter:

1st: To provide for an equal number of directors in each of the counties in each of the Bank districts, and that at all meetings of the directors it shall be necessary for one or more of the directors in the counties in said district to attend.

2nd: That in the discounts of each Branch, the several counties shall receive their proportion of the amount discounted, according to the state tax paid by each, if the applications be made by as good and punctual men.

3d: That monthly statements shall be published by each Branch of the loans made, when the amount exceeds \$500, together with the name of the borrower, endorser or endorsers.

4th. To provide that all the stockholders of each Branch shall be individually liable for the redemption of their paper.

5th: That the discounts in each Branch shall be made as far as practicable on business paper and not upon accommodation paper.

Which, on motion of Mr. Brady, was laid on the table.

On motion of Mr. Stephenson,

*Resolved,* That a select committee be appointed to inquire into the expediency of so amending an act approved Feb. 18, 1839, entitled "an act to amend an act entitled an act regulating the taking up of animals going estray, and water craft and other articles of value adrift," that the clerks of circuit courts shall be required to make publication of estrays in the newspapers published in their counties, where there are such published, instead of having them made by the state printer; and that they be instructed to inquire what other amendments, if any, are necessary to be made to said act, and report by bill or otherwise.

And Messrs. Stephenson, Cravens and Ewing of Cass, were appointed said committee.

On motion of Mr. Tannehill,

*Resolved,* That the judiciary committee be instructed to inquire into the expediency of providing by law, that sureties may have a lien on the real estate of their principals, and that the state and counties may have a like lien on the real estate of public officers from the time of their entering into bond, providing that proper notice shall be given in the clerk's office or otherwise, so that purchasers of any such real estate may be apprised of the lien.

Mr. Hargrove offered for adoption the following resolution:

*Resolved,* That the committee on ways and means be instructed to inquire into the expediency of so amending the revenue law, as to reduce the per centage to collectors of the state and county revenue; and also of so amending the same as to require collectors to execute bonds in double the amount of the state and county revenue of their respective counties, with leave to report by bill or otherwise.

Mr. Morgan moved to amend said resolution by adding the following:

"And that collectors shall not be bound to pay over the state revenue until the first Monday in January, and the county revenue until the first Monday in May in each year."

Which amendment was agreed to.

Mr. Lowe moved further to amend by adding the following:

"And also to inquire into the expediency of providing for the meeting of the people to pay the collectors in their several townships."

Which amendment was agreed to.

Mr. Dobson moved further to amend by adding after the words per centage, as follows:

"In counties where the revenue exceeds six thousand dollars."

Which amendment was not agreed to.

And the resolution, as amended, was adopted.

On motion of Mr. Baird of St. Joseph,

*Resolved,* That when the Senate adjourns, it will adjourn until Monday morning at 9 o'clock.

On motion of Mr. Baird of St. Joseph,

*Resolved,* That the committee of ways and means be instructed to inquire into the expediency of reporting a bill authorizing the election of one assessor and collector in each township of the state, by the qualified voters therein.

On motion of Mr. Chamberlain,

*Resolved,* That the committee on the judiciary be instructed to inquire into the expediency of so amending the laws relative to the mode of doing county and township business, as to make those laws uniform throughout the state; and also of providing for the more efficient organization of townships, for the transaction of such business as properly comes within the jurisdiction of township officers.

Mr. Thompson moved the adoption of the following resolution:

*Resolved,* That the judiciary committee be instructed to inquire into the expediency of repealing an act of last session, exempting one hundred dollars worth of execution defendant's property from seizure and sale.

Which was not adopted.

And on motion, the Senate adjourned.

## MONDAY MORNING, Dec. 9.

The Senate assembled.

Mr. Berry presented the petition of Joseph S. Walker and Benjamin Sullivan, citizens of Monroe county, praying an extension of time to purchasers of certain school lands,

Which was, on motion of Mr. Berry, referred to a select committee.

*Ordered,* That said select committee consist of Messrs. Berry, Cathart and Tannehill.

On motion of Mr. Tuley,



*Resolved*, That the committee on canals and internal improvements be directed to inquire into the expediency of so revising the law on that subject relative to the collection of tolls, and the manner of accounting for them by the toll gatherers, as to insure punctuality in paying over the monies collected.

Mr. Mount offered for adoption the following preamble and resolution:

That in consequence of an article published in the Indiana Journal of the 6th inst. headed "Indiana Legislature," and also sundry articles published in the Indiana Democrat, of the 5th instant, headed "The Message, &c." all containing language, in the opinion of the Senate, too indecorous to be countenanced by this body, Therefore, as a mark of disapprobation, be it

*Resolved*, That the further use of their respective papers for the accommodation of the Senate, be dispensed with, and that they be ordered to be discontinued accordingly.

Mr. Bowen moved to amend said resolution by striking out its preamble.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Beard of M., Blair, Bowen, Carr, Cathcart, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Foster, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Moffatt, Morgan, Nave, Nickel, Smiley, Smith, Stephenson, Tannehill and Thompson—27.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Bell, Berry, Brady, Carnan, Chamberlain, Cravens, Elliott, Green, Hackett, Mount, Riley, Stafford, Tuley, Watt, Watts, and Williams—18.

So the preamble was stricken out.

Mr. Kennedy moved to amend the resolution by striking out the words "their respective papers" and insert "the Indiana Journal and Indiana Democrat."

Which was agreed to.

Mr. Ewing of Cass moved to amend by adding the following:

"By providing that 500 copies of the articles just read, be printed for the use and benefit of the Legislature."

Which amendment did not prevail.

The question recurring on the adoption of the resolution,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Beard of M., Bowen, Carr, Clark, Cravens, Green, Hargrove, Kennedy, Lowe, Morgan, Mount, Smiley, Smith, Stephenson, and Williams—16.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Bell, Berry, Blair, Brady, Carnan, Cathcart, Chamberlain, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Hackett, Herriott, Kinzer, Moffatt, Nave, Nickel, Riley, Stafford, Tannehill, Thompson, Tuley, Watt, Watts, and Wright—29.

So said resolution was not adopted.

Mr. Wright offered for adoption the following resolution:

*Resolved*, That the board of internal improvement report to this Senate at as early a day as is practicable, whether there has not been contracts let, on the Madison and Indianapolis rail road, on this side of Columbus the past season; and whether there was not contracts let in June last, on said road between Columbus and Vernon, and that after the publication of N. Noble's on the subject of the suspension of the public works, a number of said contractors on said road did not entirely suspend operations, and whether said board did not re-let said contracts to a company at Madison, at the prices of the letting in June last.

Mr. Baird of St. Joseph, moved to lay said resolution on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Beard of St. Joseph, Beard of M., Bell, Bowen, Brady, Carnan, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Foster, Herriott, Moffatt, Morgan, Mount, Riley, Stafford, Tannehill, Watt, and Williams—23.

*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Carr, Cathcart, Chamberlain, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nave, Nickel, Smiley, Smith, Stephenson, Thompson, Tuley, Watts, and Wright—22.

So said resolution was laid on the table.

Mr. Green offered for adoption the following resolution:

*Resolved*, That the committee on ways and means be requested to ascertain as soon as practicable and report to the Senate, the amount due from the state to contractors upon the public works up to the first of December, 1839; and further that said committee be instructed to inquire into the expediency (for the purpose of raising means of liquidating the amount due said contractors,) to pass a law authorizing and requiring the fund commissioners to make sale of the bonds of the Morris Canal and Banking Company now owned by the state, and also to sell the real estate and other property owned by Indiana in the cities of Brooklyn and New-York, and report by bill or otherwise.

Mr. Beard of M. moved to change the reference in said resolution to the committee on canals and internal improvements.



Which motion did not prevail.

And the resolution was adopted.

On motion of Mr. Nickel, the following preamble and resolution were adopted:

WHEREAS, we are informed by his Excellency the Governor, in his late message, that complaints are constantly being made by the people living in counties adjoining those in which the several branches of the bank are located.

And whereas, we are further informed that "they seem to think that an equal participation in the benefits of these institutions is denied them, from the fact, that by far the greater portion of their funds are loaned to individuals residing immediately in their vicinity.

And whereas, we are further informed that "this species of favoritism, if it does exist, ought by all means to be avoided in future, or some decisive measure should be taken to prevent a repetition;" therefore,

*Resolved*, That the committee on the judiciary be instructed to inquire whether it is in the power of the Legislature, at this time, to adopt measures to prevent such repetition, and if not, then to enquire into the cause of such information being given and such measures recommended; with leave to report by bill or otherwise.

On motion of Mr. Armstrong,

*Resolved*, That the committee on education be instructed to enquire, what amendments are necessary to the acts regulating the jurisdiction and duties of justices of the peace and the act relating to county seminaries, to insure proper returns of fines to be made by justices of the peace to the Boards doing county business and the payment of fines to county seminary trustees, with leave to report by bill or otherwise.

On motion of Mr. Chamberlain,

*Resolved*, That the Fund Commissioners be required, without unnecessary delay, to inform the Senate, whether the whole or any part of the money, for which David Burr is defaulter, has been collected, and if so, how much, and to report fully to this body the present condition of the public money now or formerly in his hands.

On motion of Mr. Tuley,

*Resolved*, That the Fund Commissioners be requested to report to this Senate whether or not the bonds of the State sold by them for internal improvement purposes, have been transferred to the purchasers previous to the time of payment therefor, and if so, what amount have been so transferred and remain unpaid, and what security has been taken for their punctual payment, and by what authority said bonds have been sold on a credit, and that they report the above facts at as early a day as practicable.

On motion of Mr. Brady,

*Resolved*, That the committee on education be directed to inquire into the expediency of so amending the school law as to create the office of a common school agent to be appointed by the Governor, and to make it the duty of the several school commissioners in this state to ascertain by the most convenient method the condition of the several

common schools in his county, the amount of funds paid over for their support, together with the number of children taught in said schools and the probable number of those whose education is neglected, and report the same to the common school agent whose duty it shall be to report the same to the Legislature annually.

On motion of Mr. Nave,

*Resolved*, That the committee on the judiciary be requested to enquire into the expediency of so amending an act relative to the practice in circuit courts, approved February 18, 1839, that in all changes of venue in criminal cases, the county from which such change of venue is taken, shall be liable to the expenses consequent upon such change of venue in the court in the county to which it is taken; firstly, the expense of moving and keeping the prisoner or prisoners: secondly, the per diem allowances to the associate judges; thirdly, the expenses of the jury trying the cause; fourthly, the necessary expenses of the officers attending such jury and trial; fifthly, the expenses of the whole regular pannel of jurors in attendance during such trial; and sixthly, all other expenses necessary and consequent upon any such change of venue and the trial thereof of the defendant or defendants in the circuit court of the county to which such change of venue may be granted, with leave to report by bill or otherwise.

On motion of Mr. Stephenson,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire whether there are not a number of Engineers in the employment of the Board of internal improvement, that may be dispensed with; and whether the salaries of the members of the Board may not, under the present state of things, be reduced, with leave to report by bill or otherwise.

Mr. Thompson moved the adoption of the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of reorganizing the Probate Court system, either by organizing a circuit probate, or a surrogate system, or by abolishing the present system, and transferring all the powers and duties thereof to the circuit courts in the respective circuits.

Mr. Kennedy moved to amend said resolution by making it imperative upon the committee to report a bill thereon,

Which motion did not prevail,

And the resolution was adopted.

On motion of Mr. Green.

*Resolved*, That the committee on education be instructed to inquire whether a relocation [of the State University (now at Bloomington),] would not tend much to the prosperity of said institution, and report by bill or otherwise.

Mr. Ewing of Allen, offered for adoption the following resolution:

*Resolved*, That a select committee be appointed to inquire into the expediency of causing estimates to be made upon the public works for contractors and all laborers, of the work done; and to inquire into the expediency of arranging with the State Bank, for a loan of post notes for the payment of said contractors and all laborers upon the public



works, or for the issuing of state scrip, for that purpose, receivable in payment of interest and principal upon canal lands, after the speedy completion of the Wabash and Erie canal may have been provided for, out of the proceeds of said lands or otherwise.

During the pendency of the adoption of said resolution,  
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Mount moved to amend said resolution by striking out all that part of said resolution after the words "canal lands,"

Which motion did not prevail.

Mr. Dobson moved to amend by inserting "and all canal lands hereafter to be sold," which was accepted by the mover.

Mr. Wright moved to amend said resolution by striking out all of the same after the words "work done," and insert "that said committee inquire into the expediency of providing for the securing of the debt, without delay, due the state from the Morris Canal and Banking Company; and that the same be sold on the very best terms, and the proceeds applied to the payment of the debts due to the contractors,"

Which amendment did not prevail,

And the resolution was adopted.

Ordered, That Messrs. Ewing of Allen, Bell, Herriott, Moffatt and Watts, constitute said select committee.

Mr. Baird of St. Joseph, offered for adoption the following resolution:

Resolved, That the committee upon the State Bank be instructed to inquire into the expediency of authorizing the banks of this state to issue one, two, three, and four dollar bills, and into the expediency of authorizing said banks to increase their discounts, with a view to accommodate and enable the state to pay off the contractors on the public works, and to prevent the issue of similar notes of other states from flooding this state, and to afford in some measure relief to the suffering condition of the citizens of said State of Indiana, with leave to report by bill or otherwise.

Mr. Kennedy moved to strike out of said resolution the words "into the expediency of authorizing the banks of this state to issue one, two, three and four dollar bills," and—

Mr. Angle moved to lay the resolution and the pending amendment on the table,

Which motion did not prevail.

The President appointed the following select committees on the resolutions referring the message of his Excellency, the Governor:

On resolution No. 5—Messrs. Hargrove, Dobson and Watts.

On resolution No. 9—Messrs. Cathcart, Bell and Smith.

On resolution No. 14—Messrs. Brady, Moffatt, Stephenson, Nave, Bell, Elliott, Williams and Smith.

On resolution No. 17—Messrs. Herriott, Lowe and Cravens.

On resolution No. 20—Messrs. Cathcart, Baird and Chamberlain.

On resolution No. 21—Messrs. Baird of St. Joseph, Smiley, Armstrong, Watts, Hargrove, Nickel, Williams, Stephenson, Ewing of Cass, and Kennedy.

On resolution No. 22—Messrs. Chamberlain, Ewing of Cass, and Foster.

On resolution No. 27—Messrs. Ewing of Allen, Moffatt, Baird of St. Joseph, Chamberlain, Ewing of Cass, Foster and Smiley.

During the pendency of the question on Mr. Kennedy's amendment to Mr. Baird's resolution,

On motion, the Senate adjourned.

TUESDAY MORNING, DEC. 10.

The Senate assembled.

Mr. Riley presented the petition of Elbert Jeter and others, praying for a charter for a seminary of learning at Orleans in Orange county;

Which was read and referred to a select committee.

Ordered, That said select committee consist of Messrs. Riley, Dobson and Blair.

Mr. Cravens presented the petition of Daniel Kelso and others, praying for a division of the 3d judicial circuit;

Read and referred to the same select committee to which was referred the subject of equalizing the judicial circuits.

Mr. Ewing of Cass presented the petition of Mrs. Phebe Clymer, praying legislative aid in protecting her title to a certain tract of land purchased by her from the State of Indiana;

Read and referred to a select committee.

Ordered, That Messrs. Ewing of Cass, Kennedy, and Baird of St. Joseph constitute said committee.

Mr. Chamberlain presented the petition of John Longacre, praying for a divorce from his wife Louisa;

Which was read and referred to a select committee.

Ordered, That Messrs. Chamberlain, Wright and Dobson constitute said committee.

Mr. Ewing of Cass presented the petition of R. Pryor and others citizens of Cass county, praying the repeal of the laws taxing canal lands;

Which was read and referred to a select committee.

Ordered, That Messrs. Ewing of Cass, Angle and Nave constitute said committee.



The following message was received from the House of Representatives, by Mr. Harris their Clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed bill thereof, entitled,

No. 10, an act for the relief of Wesley White, late collector of Putnam county, and his securities.

In which the concurrence of the Senate is respectfully requested.

The bill was read a first time, and,

On motion of Mr. Thompson, the rules of the Senate were dispensed with, and the bill read a second time now, and referred to the judiciary committee.

The Senate then took up Mr. Kennedy's amendment to Mr. Baird's resolution, which was pending at the last adjournment.

Mr. Armstrong moved that the resolution and pending amendment be laid upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Bowen, Carnan, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Nave, Riley, Stafford, Stephenson, Thompson, Watt, and Williams—24.

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carr, Cathcart, Chamberlain, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Mount, Nickel, Smiley, Smith, Tannehill, Tuley, Watts and Wright—22.

So the resolution was laid upon the table.

Mr. Dobson offered for adoption the following resolution:

*Resolved,* That the committee on the canal fund be instructed to inquire into the expediency of directing one of our Fund Commissioners to proceed immediately to Europe, for the purpose of disposing of our state bonds for internal improvement purposes, and that said Commissioner be instructed to visit all the great money markets, and to remain in the market until a suitable opportunity offers for disposing of said bonds on advantageous terms to the state.

Mr. Chamberlain moved to strike out the words "inquire into the expediency of directing one of our Fund Commissioners" and insert "inquire into the expediency of appointing a Fund Commissioner."

Which amendment did not prevail.

Mr. Armstrong proposed to amend said resolution, by adding, "and that said committee further inquire into the expediency of suspending

in part or in whole, the power given by law to the Fund Commissioners to contract further loans for internal improvement purposes.

Mr. Cathcart proposed to amend said amendment by adding before the words "Fund Commissioners" the word "present" so as to make it read "our present Fund Commissioners;"

Which amendment did not prevail.

Mr. Watts proposed to amend said amendment by adding "any further than to the amount of the present liabilities of the state to contractors;

Which amendment was agreed to.

The question recurring on the adoption of Mr. Armstrong's amendment to the resolution,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Carr, Cathcart, Clark, Cravens, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Thompson, Tuly, Watts, and Wright—24.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Chamberlain, Dobson, Ewing of Allen, Foster, Herriott, Moffatt, Mount, Stafford, Stephenson, Tannehill, Watt and Williams—21

So said amendment was adopted.

Mr. Thompson moved to re-consider the vote on Mr. Chamberlain's proposed amendment;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Carr, Cathcart, Chamberlain, Clark, Cravens, Ewing of Cass, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nickel, Smiley, Stephenson, Thompson, Watts and Wright—21.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Dobson, Elliott, Ewing of Allen, Foster, Herriott, Kennedy, Moffatt, Mount, Nave, Riley, Smith, Stafford, Tannehill, Tuly, Watt and Williams—25.

So said vote was not re-considered.

Mr. Dobson moved to indefinitely postpone the resolution as amended;

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Berry, Brady, Dobson, Ewing of Allen, Herriott, Kennedy, Moffatt, Stafford, Tannehill, Watt and Williams—14.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Bell, Blair, Bowen, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Elliott, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Thompson, Tuley, Watts and Wright—32.

So said resolution was not indefinitely postponed.

On motion, the Senate adjourned.

2 o'clock P. M.

The Senate Assembled.

And resumed the consideration of the subject pending at its last adjournment.

Mr. Ewing of Cass moved to amend said resolution, by adding thereto the following:

"By instructing said commissioner to cause an investigation to be made into the conduct of our late fund commissioner, Dr. Coe, in the city of New-York, and ascertain whether or not the loans made by him were in accordance with law and a faithful discharge of his duty; and whether they were judiciously made; whether our state bonds were offered in that market in an advisable and judicious manner or not; and to ascertain and report to the next Legislature, all wholesome and proper information that can be obtained in relation to loans made by said late fund commissioner, as well as to report to this Legislature at its next session, what the credit and standing of the Morris Canal and Banking Company was, and the value of its stock in New-York at the time the loans were made, and our bonds advanced to said purchasers; and what consideration really moved our commissioner in negotiating with that company, at a time when its stock was not worth 50 per cent. on the dollar, and that too without requiring additional and suitable security to indemnify the state before its bonds were delivered over to said purchasers."

Mr. Beard of M. moved to amend the amendment by inserting after the word "to" the words "report to this Legislature, if practicable, if not, at the next session."

Which amendment was accepted by the mover.

Mr. Arion proposed to strike out the words, "at a time when its stock was not worth 50 per cent on the dollar," and insert instead thereof, the words, "when its stock was below par."

Which proposition was accepted by the mover.

Mr. Dobson proposed further to amend the amendment, by striking out wherever it occurs, the name of "Dr. Coe," and inserting in proper places the words "fund commissioners."

Which proposition was agreed to.

Mr. Ewing of Cass proposed to insert after the words "fund commissioners," the words "prior to the first day of March last."

Which proposition was not agreed to.

Mr. Clark proposed to insert after the words "fund commissioners," "since the 1st of December 1838."

Which proposition was not agreed to.

Mr. Kennedy moved to lay said resolution with the amendments upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard, Bell, Blair, Bowen, Brady, Clark, Dobson, Elliott, Ewing of Allen, Foster, Herriott, Moffatt, Mount, Riley, Stephenson, Tannehill, and Watt—20.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Berry, Carnan, Carr, Cathcart, Chamberlain, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nave, Nickoll, Smiley, Smith, Stafford Thompson, Tuley, Watts, Williams and Wright—26.

So said resolution and amendments were not laid upon the table.

Mr. Kennedy proposed further to amend the amendment by adding,

"And to report whether said fund commissioners conducted themselves, whilst in the city of New-York, so as to preserve the dignity of the sovereign state of Indiana."

Which proposition was not agreed to.

The question recurring on the adoption of Mr. Ewing's amendment to the resolution, as amended,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Berry, Blair, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nave, Nickel, Smiley, Smith, Stephenson, Thompson, Watts, Williams and Wright—29.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bowen, Brady, Clark, Elliott, Foster, Moffatt, Morgan, Mount, Riley, Stafford, Tannehill, Tuley and Watt—16.



So said amendment, as amended, was adopted.

Mr. Brady moved to change the reference of said resolution, so as to refer it to a select committee composed of all the members who have offered amendments thereunto.

Mr. Ewing of Cass proposed to amend the proposition of Mr. Brady by adding the following:

"And by ordering the resolution and its amendments to be well *white-washed*, and sent to the committee on *shin-plasters* and finance, with instructions to have it stereotyped and preserved for their edification."

Which proposition was agreed to.

Mr. Kennedy moved further to amend by adding the following:

"Reserving to each member of the committee to whom it is referred, a right to use as white-washing brushes, striped 'coon tails."

Mr. Bowen moved that the original resolution, the amendments adopted, and all pending amendments, be indefinitely postponed.

During the pendency of which motion,

On motion, the Senate adjourned.

### WEDNESDAY MORNING, DEC. 11.

The Senate assembled.

The President laid before the Senate a report from the commissioners of the sinking fund.

Mr. Brady moved to refer the report to the committee on the State Bank, and that 500 copies be printed.

Which motion was agreed to.

Mr. Cathcart presented the petition of Zachariah Spitler, on the subject of a state road,

Which was referred to the committee on roads.

Mr. Foster presented the petition of John M. Wilson on the subject of a state road, which was referred to the committee on roads.

Mr. Brady presented the memorial of Aquilla W. Noe, which was referred to the committee on claims.

Mr. Tannehill presented the petition of Valentine Miller, which was referred to a select committee.

*Ordered*, That said committee consist of Messrs. Tannehill, Bowen and Clark.

Mr. Cravens presented the petition of Jesse Cole and others, of Ripley county, on the subject of internal improvements and taxes;

Which was referred to the committee on canals and internal improvements.

Mr. Nickel presented the petition of James Marshall and others, relative to a state road; which was referred to the committee on roads.

Mr. Thompson from the judiciary committee reported back to the Senate, without amendment, the bill for the relief of Westley White, accompanied with the following report:

Mr. President—

The Judiciary committee to whom was referred a bill of the House of Representatives, No. 10, entitled a bill for the relief of Wesley White, late collector of Putnam county and his securities, have carefully examined its provisions, and a majority of the committee have instructed me to report it without amendment and ask to be discharged from the farther consideration thereof, and recommend its passage, to which report the chairman and Mr. Nave dissent, believing the act approved February 15th, 1839, entitled an act pointing out the mode of levying and collecting taxes and fixing the per centage for state purposes, amply provides for the object intended to be obtained by the bill.

And the committee were accordingly discharged.

On motion of Mr. Stephenson,

The bill was committed to a select committee.

*Ordered*, That said committee consist of Messrs. Stephenson, Kennedy, and Angle.

Mr. Stephenson from a select committee appointed for that purpose, made the following report:

Mr. President—

The select committee to whom was referred a resolution to inquire into the expediency of amending the estray law, have had the same under consideration, and have directed me to report a bill,

No. 4, entitled a bill to amend an act entitled an act regulating the taking up animals going estray, and water crafts and other articles of value adrift, approved Feb. 17, 1839.

Which was read a first time and ordered to a second reading to-morrow.

Mr. Ewing of Allen, from the select committee to whom was referred a resolution of the Senate on the subject of that part of the Wabash and Erie canal which lies within the limits of the state of Ohio, made report, accompanied with a joint resolution, and ask to be discharged from the further consideration of the subject.

And the committee were accordingly discharged and the joint resolution read a first time.

Mr. Stephenson moved to suspend the rules of the Senate and read the joint resolution a second time;

Which motion did not prevail, and the joint resolution passed to a second reading on to-morrow.

The Senate then resumed the consideration of the resolution of Mr. Dobson, together with the pending amendments, which were before the Senate at its last adjournment.

Mr. Bowen withdrew his motion to postpone indefinitely.

Mr. Bowen then moved to lay the resolution and the pending amendments on the table.

Mr. Cravens moved that the question be divided, and the question be first taken on laying said amendments on the table;

Which was agreed to



And the amendments were laid upon the table.

Mr. Kennedy moved to amend the resolution by striking it out from the enacting clause, and inserting the following:

"That the committee on the canal fund be instructed to inquire what has been the course pursued by our fund commissioners in the sale of our state bonds. And whether the failure of our state to procure funds by the sale of bonds has not been owing to the improper conduct of the Commissioners (including as well the present as former Fund Commissioners,) and whether the losses the State has already, and is likely to sustain, has not been owing to the neglect and improper conduct of said Commissioners.

And further, to enquire and report to the Senate whether there is any course of legislation which the State can now pursue, which will remedy the now existing evils, and avoid losses in future.

*Resolved further*, that the committee in prosecuting such investigation, have leave to send for persons and papers, and report the result of their investigation to the Senate at as early a period as possible."

Mr. Armstrong called for a division of the question,

And the question being on striking out, and the ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Beard of M., Blair, Bowen, Elliott, Kennedy, Moffatt, Mount, Riley, Stafford, Stephenson, Tannehill, Watt and Williams—14.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Bell, Berry, Brady, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hargrove, Herriott, Kinzer, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Thompson, Tuley, Watts and Wright—31.

So said amendment did not prevail.

Mr. Kennedy moved to change the reference of said resolution to the committee on canals and internal improvement;

Which change was accepted by the mover.

Mr. Clark moved to amend the resolution by striking out the words "committee on canals and internal improvement" and inserting "a select committee to be composed of Messrs. Ewing of Cass, Dobson, Chamberlain and Thompson."

Mr. Armstrong called for a division of the question,

And the question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M. Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Ewing of Allen, Green, Hackett, Hargrove, Her-

riott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Tannehill, Tuley, Watts, and Williams—34.

*Those who voted in the negative were,*

Messrs. Dobson, Elliott, Ewing of Cass, Finch, Foster, Kennedy Moffatt, Smiley, Stephenson, Thompson, Watt and Wright—12.

So said amendment did not prevail, and "the committee on canals and internal improvement" was stricken out.

Mr. Cravens moved to fill the blank in said resolution by inserting "the committee on the canal fund."

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Carnan, Carr, Chamberlain, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Herriott, Kinzer, Moffatt, Morgan, Nave, Nickel, Riley, Smiley, Stephenson, Thompson, Tuley, Watts and Wright—27.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Beard of M., Bowen, Brady, Cathcart, Clark, Elliott, Foster, Hackett, Hargrove, Kinzer, Lowe, Mount, Smith, Stafford, Tannehill, Watt, and Wright—19.

So said blank was so filled.

The question recurring on the adoption of the resolution as amended,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Berry, Blair, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Thompson, Tuley, Watts, Williams and Wright—33.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Elliott, Foster, Kennedy, Moffatt, Mount, Tannehill, and Watt—13.

So said resolution was adopted.

And on motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Cathcart gave notice, that he would on to-morrow introduce a resolution to amend certain rules of the Senate.



On motion of Mr. Wright,

*Resolved*, That the Board of Internal Improvement report to this Senate, whether there is an order of said Board authorizing the Fund Commissioners to negotiate loans on credit, and if so, to furnish this Senate with a copy of the same.

Mr. Baird of St. Joseph, offered for adoption the following resolution:

*Resolved*, That a select committee of five be appointed to make immediate inquiry from the most accurate and authentic sources, of the amount of small notes of the banks of Ohio, Kentucky, and Illinois, and other states now in circulation in this state—whether the same are redeemable in specie at any place in this state, and what would be the effect of a substitution of small bills of the State Bank of Indiana for those foreign bills of other states on the specie means, the business, the commerce, and the prosecution of the public works of the state; and what relief the State Bank of Indiana could afford the state in paying off her contractors upon the public works, and in discharging the interest upon the public debt, by an issue of small bills, with leave to report the result of their investigations to this Senate.

Mr. Watts moved to amend said resolution by adding the following:

And further to inquire if in their opinion, the small bill issues, would not have a tendency to drive the specie from circulation in the state.

Which amendment was adopted.

Mr. Chamberlain moved to amend by adding the following:

And also to inquire to what extent the State Bank has participated in promoting the circulation of such small bills;

Which amendment was adopted.

Mr. Thompson moved to lay the resolution upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Brady, Carr, Cathcart, Chamberlain, Elliott, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nave, Nickel, Smiley, Smith, Thompson, and Tuley—20.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Jo., Beard of M., Bell, Blair, Bowen, Carnan, Clark, Cravens, Dobson, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Riley, Stafford, Stephenson, Tannehill, Watt, Watts, Williams and Wright—24.

So said resolution was not laid upon the table.

Mr. Nave moved to amend said resolution by adding the following:

And further to inquire whether the citizens of this state have by the circulation of small bills or notes, sustained any loss or injury, and if

so to report an efficient remedy for such evil; and further whether any proposition to amend the charter of the State Bank, so as to authorize the issuing of notes or bills of less denomination than five dollars, would not be impolitic and ruinous to the best interest of this state.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Catchcart, Chamberlain, Dobson, Elliott, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nave, Nickel, Smiley, Thompson, Tuley, Watts and Wright—21.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Blair, Bowen, Brady, Carnan, Carr, Clark, Cravens, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Tannehill, Watt and Williams—23.

So said amendment was not adopted.

The question recurring on the adoption of the resolution as amended,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Bowen, Carnan, Clark, Cravens, Dobson, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Watt, Watts and Williams—25.

*Those who voted in the negative were,*

Messrs. Brady, Cathcart, Chamberlain, Elliott, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nave, Nickel, Smiley, Tannehill, Thompson, Tuley and Wright—20.

*Ordered*, That said select committee consist of Messrs. Baird of St. J., Bell, Carnan, Blair and Watt.

So said resolution was adopted.

And, on motion, the Senate adjourned.



## THURSDAY MORNING, DEC. 12.

The Senate assembled.

Mr. Bowen asked to be excused from serving on the committee on enrolled bills, and was accordingly excused.

The President appointed Mr. Tuley as a member of the committee on enrolled bills.

Mr. Williams also asked to be excused from serving on the committee on enrolled bills and was accordingly excused.

The President appointed Mr. Elliott as a member of the committee on enrolled bills.

Mr. Lowe presented the petition of James Puntney and Alexander Russell, praying some measure of relief to contractors upon the public works;

Which was referred to the committee on ways and means.

The President laid before the Senate the following report from the Treasurer of State, in compliance with a resolution of the Senate, giving the amount of money paid on account of newspapers furnished for the use of the General Assembly in the year 1839:

TREASURER'S OFFICE,  
Indianapolis, 12th Dec. 1839.

HON. DAVID HILLIS,  
*President of the Senate:*

In obedience to a resolution of the Senate of the 3d inst. requesting the Treasurer of State to communicate to the Senate "the amount expended last year for newspapers for members of the General Assembly," the undersigned makes the following statement of the amounts paid the newspaper proprietors for papers so furnished at the last session of the General Assembly, viz:

|                                      |          |
|--------------------------------------|----------|
| Douglass & Noel for Indiana Journal  | \$675 00 |
| Jno. Livingston for Indiana Democrat | 722 12   |
| Indiana Farmer to Osborn & Willets   | 280 00   |
| Gilmore for Mechanic                 | 672 00   |

Total                   \$2,349 12

Very respectfully,  
Your obedient servant,  
N. B. PALMER,  
*Treasurer of State.*

Mr. Dobson moved that said report lay upon the table, and 1,000 copies thereof be printed.

Mr. Kennedy moved to amend said motion as follows:

That the printers be requested to publish the report in their respective papers;

Which was not agreed to.

Mr. Thompson moved to amend the motion of Mr. Dobson by referring the report to a select committee:

Which motion was agreed to.

*Ordered,* That said committee consist of Messrs. Thompson, Nickel, Finch and Arion.

Mr. Ewing of Cass presented the petition of L. G. Bellamy and others, praying restrictions upon the operations and taxes upon the capital of the American Fur Company in the State of Indiana.

Which was referred to the committee on corporations.

Mr. Stephenson made the following report from a select committee:

MR. PRESIDENT—

The select committee to whom was referred a bill for the relief of Westley White, late collector of Putnam county, and his securities, have directed me to report the same back to the Senate without amendment.

Mr. Kennedy moved that the rules of the Senate be suspended and the bill read a third time now;

Which was agreed to.

And the bill was read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Baird of St. Joseph offered for adoption the following resolution:

*Resolved,* That a select committee of three inquire into the expediency of passing a law by which real estate shall not be sold (when under execution) unless the same will bring two-thirds of its appraised value; and to inquire whether the passage of such a law with proper limitations, (such as that said real estate shall, after the same shall have been offered for sale, say eighteen months or two years and not sold) that then and in that case the same shall be sold for the best price it will bring, with leave to report by bill or otherwise.

Mr. Stevenson proposed to amend by changing the reference of said resolution to the judiciary committee;

Which amendment was accepted by Mr. Baird.

Mr. Wright moved to amend by adding the following:

And to inquire into the expediency of giving the owners of real estate after sale, two years to receive it, by paying the purchase money and ten per cent. interest on the same;

Which amendment was also accepted by Mr. Baird.

Mr. Morgan proposed to amend by adding personal property also;

Which was agreed to.

Mr. Nave proposed to amend said resolution after the word "sold," by adding "on judgments obtained upon all contracts, undertakings and liabilities hereafter made and entered into;"

And the ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Beard of M., Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lowe, Mount, Nave, Riley, Stafford, Tannehill, Thompson, Tuley, and Wright—21.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Bowen, Brady, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Foster, Moffatt, Morgan, Nickel, Smiley, Smith, Stephenson, Watt, Watts and Williams—24.

So said amendment was not adopted.

The question recurring on the adoption of the resolution as amended,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Cathcart, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Foster, Green, Herriott, Lowe, Morgan, Mount, Nickel, Smiley, Smith, Stephenson, Watt, Watts and Williams—25.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Berry, Blair, Carnan, Carr, Chamberlain, Cravens, Finch, Hackett, Hargrove, Kennedy, Kinzer, Moffatt, Nave, Riley, Stafford, Thompson, Tuley and Wright—21.

So said resolution was adopted.

Mr. Brady moved the adoption of the following resolution:

*Resolved,* That the committee on ways and means be instructed to inquire into the expediency of authorizing the issue of state scrip to the extent of our present debts due contractors and officers on the public works, which shall bear an interest of 6 per cent. and be made receivable for canal lands, interest on canal lands, and taxes due the state for 1840; and that said scrip be made in denominations varying in amount from ten to one hundred dollars; and be called in and redeemed as soon as funds can be procured for that purpose; said committee to report the result of such inquiries at as early a day as practicable.

Mr. Morgan moved to amend said resolution by adding after the word "contractors" "for work done before the order of the Board to suspend."

Mr. Dobson moved to amend said amendment by adding "after said contractors were notified of the same;"

Which amendment to the amendment was agreed to.

The question recurring on the adoption of the amendment as amended,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Carr, Cravens, Dobson, Finch, Hargrove, Kennedy, Kinzer, Morgan, Nickel, Smiley, Thompson, Watts and Wright—15.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Cathcart, Chamberlain, Clark, Elliott, Ewing of Cass, Ewing of Allen, Foster, Green, Hackett, Herriott, Lowe, Moffatt, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt and Williams—31.

So said amendment was not adopted.

Mr. Bowen moved to amend said resolution by striking out the words "receivable for canal lands and taxes to be due the state for 1840" and inserting as follows:

Redeemable in state bonds (at the pleasure of the holders of scrip,) of a denomination of —, bearing interest at the rate of 6 per cent. per annum, payable semi-annually; said bonds redeemable by the state as soon as funds can be obtained, either by bonds already sold or bonds that may hereafter be sold.

Mr. Cravens moved to amend said amendment by striking out the words "bonds that may hereafter be sold."

During the pendency of which amendment to the amendment,

On motion, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

The Senate resumed the consideration of the amendment to the amendment pending at its last adjournment.

The question being on the amendment to the amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Kennedy, Kinzer, Lowe, Morgan, Nickel, Smiley, Smith, Thompson, Watts, and Wright—18.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elli-



ott, Ewing of Allen, Foster, Hargrove, Herriott, Moffatt, Mount, Nave, Riley, Stafford, Stephenson, Tannehill, Tuley, Watt, and Williams—28.

So said amendment was not adopted.

Mr. Kennedy moved to lay said resolution and amendments on the table.

Which motion did not prevail.

Mr. Ewing of Allen moved to lay Mr. Bowen's amendment on the table.

Which motion prevailed.

And said amendment was laid upon the table.

Mr. Carnan moved to amend said resolution by inserting, "or issuing treasury notes payable in twelve or eighteen months, with interest from date."

Which motion did not prevail.

Mr. Elliott moved to amend said resolution by adding:

"And that they report what proportion of the work unpaid for, has been done since the positive order of the board to suspend, and under what circumstances the same has been done."

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Berry, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Thompson, Tuley, Watts, Williams and Wright—29.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Brady, Ewing of Cass, Ewing of Allen, Herriott, Moffatt, Mount, Stafford, Stephenson, Tannehill, and Watt—16.

So said amendment was adopted.

Mr. Chamberlain moved to amend the resolution by adding the following:

"And that said committee, without unnecessary delay, ascertain the precise sum lawfully due to contractors on the public works, and inquire into the expediency of sending a special commissioner forthwith to the eastern cities, or such other parts of the union as afford the best prospect of procuring funds, with a sufficient amount of state bonds, to cover the present liabilities of the state, for the purpose of procuring the necessary amount of money to cover those liabilities, in case such commissioner cannot procure the necessary amount of money for that purpose by the advantageous sale of such or so much as may be necessary of the property procured by former commissioners on the state bonds sold to the Cohens & Josephs, or other insolvent companies, persons or corporations, to whom state bonds have been sold; and also in-

quire into the expediency of issuing bonds of the state to as many of the contractors as will receive them in payment of the amount due them from the state."

Which motion did not prevail.

Mr. Hargrove moved to strike out of the resolution such part thereof as makes scrip receivable for taxes and interest on canal lands. The amendment so far as relates to taxes was accepted by the mover.

Which motion was agreed to.

Mr. Moffatt moved to lay the resolution, as amended, on the table.

Which motion prevailed.

And the resolution was laid upon the table.

Mr. Wright gave notice, that he would on to-morrow move to change the rules of the Senate, so that one hour only shall be taken up each day in receiving and debating resolutions, unless by consent of a majority of the Senate.

On motion of Mr. Cathcart,

*Resolved*, That a select committee be appointed whose duty it shall be to inquire into the expediency of providing by law for the support of the indigent blind of this state, with leave to report by bill or otherwise.

Mr. Bowen offered for adoption the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing that portion of "an act regulating prison and prison bounds," approved Feb. 17th, 1838, as relates to the making of prison bounds coextensive with the limits of the respective counties or of reducing the bounds to narrower limits.

Which resolution was not adopted.

On motion of Mr. Stephenson,

*Resolved*, That the committee on the state bank be instructed to inquire what amendments, if any, are necessary to be made to the second section of an act, approved January 25, 1839, amendatory of an act entitled an act establishing a state bank, approved Jan. 28, 1834, with leave to report by bill or otherwise.

On motion of Mr. Tuley,

*Resolved*, That the judiciary committee be instructed to inquire into and report to the Senate whether or not the property of towns corporate, is liable to be taken in execution for debts due by such corporations, and that if upon such inquiry no provision is made, subjecting such property to execution, that said committee report whether or not it would be expedient to pass a law containing such provision.

On motion of Mr. Elliott,

*Resolved*, That the select committee to whom was referred a resolution requiring them to inquire into the propriety of changing the mode of collecting the revenue, by requiring the collectors to meet the people in the several townships in their respective counties. Also enquire into the expediency of further amending the law on that subject as to require the collector to keep an office at the county seat during the month of November, and that he certify a list of all taxes remaining unpaid on the 1st of December to some constable of each township,



who shall collect the same within thirty days, in the same manner as moneys are authorized to be collected on execution, and report by bill or otherwise.

On motion of Mr. Lowe,

*Resolved*, That the judiciary committee be requested to inquire if any and what amendments are necessary to the act extending the jurisdiction of justices of the peace, to fifty dollars in actions of trespass, approved Feb. 15, 1839, with leave to report by bill or otherwise.

Mr. Mount moved to take from the table the annual report of the State Librarian; which was agreed to.

Mr. Mount then offered for adoption the following resolution:

*Resolved*, That the report of the State Librarian be referred to a select committee with instructions to inquire into the expediency of repealing or modifying the law now in force, authorizing the purchase of books, maps, &c. for the use of the State.

Mr. Watts moved to change the reference in said resolution to the committee on the State Library;

Which motion was agreed to, and the resolution was adopted.

Mr. Ewing of Cass, offered for adoption the following resolution:

*Resolved*, That the committee on ways and means be, and they are hereby directed to take into consideration the necessity of this legislature appointing without delay, an efficient agent whose duty it shall be to repair to New York, for the purpose of adopting such prompt measures as may seem proper and necessary to secure the money due the State from the Morris Canal and Banking Company on account of bonds sold to the company and from other banks in New York, by selling our claims, or by otherwise securing the State by taking such further collateral securities as he can procure, or by selling said claims for money, to relieve the State from debts due to contractors, as well as to sell out all other stocks, real estate, or other collaterals which may have been taken by our former fund agents in and about New York, to secure the state in the sales of bonds heretofore sold, and to institute suit against the said Morris Canal and Banking Company for failing to comply with their contract with our late fund commissioner in paying for bonds delivered to them, as well as for failing to pay the interest as it fell due on said bonds. And that it shall be the duty of such special commissioner to make a general examination into the whole of our fiscal operations as transacted by our former and present fund commissioners, and to ascertain what can now be done to best subserve the urgent demands of Indiana for money, as well as the final security and recovery of the large sums of money now jeopardized and endangered by being left in the hands of the purchasers of our bonds; some of whom have refused both to pay over the money or restore the bonds; and that said special commissioner shall report the result of his proceedings to this Legislature semi-weekly after reaching New York—and that said committee be instructed to report a bill at as early a day as practicable, in accordance with this resolution, and providing for the election of said special commissioner by a joint ballot of the Legislature.

Mr. Kennedy moved to amend said resolution so as to strike out so much thereof as makes it imperative on the committee to report a bill, Which amendment was accepted by the mover.

Mr. Dobson moved to amend said resolution by adding the following:

"Also to inquire into the expediency of transferring a portion of said claims to the State Bank in liquidation of our indebtedness to the Bank for and on account of internal improvements;

Which amendment was accepted by the mover.

Mr. Chamberlain proposed further to amend said resolution by inserting after the words "in and about New York," the additional words "or elsewhere;" accepted by the mover.

Mr. Moffatt moved to lay said resolution and amendments on table.

During the pendency of the question on the adoption of the resolution,

On motion,  
The Senate adjourned.

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FRIDAY MORNING, DEC. 13.

The President laid before the Senate the annual report of the State Board of Internal Improvement;

On motion of Mr. Dobson, said report was referred to the committee on canals and internal improvements.

The President laid before the Senate the report of the late Commissioner upon the Michigan road.

Which was read, and,

On motion of Mr. Blair, 200 copies of the same ordered to be printed, and the report laid upon the table.

The Senate then took up a message from the House of Representatives, received on yesterday, which is as follows;

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed bill thereof,

No. 3, entitled an act to change the name of Harvey Slocum of Jefferson county.

Also an engrossed bill of the House,

No. 32, entitled an act providing for the election of three School Commissioners in township No. 14, north of range No. 7 west, in Parke county;



In which the concurrence of the Senate is respectfully requested.

Bill No. 32 in said message was read a first time;

On motion of Mr. Wright, the rules of the Senate were dispensed with, and the bill read a second time now;

On motion of Mr. Ewing of Cass, the rules of the Senate were further dispensed with and the bill read a third time now,

And the bill passed.

Bill No. 3, was read a first time and passed to a second reading on to-morrow.

The Senate then resumed the consideration of the resolution of Mr. Ewing of Cass, which was under consideration at its last adjournment;

The question recurring on the motion of Mr. Moffatt to lay the same on the table,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bowen, Cravens, Elliott, Herriott, Moffatt, Mount, Riley, Smith, Stafford, Stephenson, and Williams—16.

*Those who voted in the negative were,*

Messrs. Bell, Berry, Blair, Brady, Carnan, Carr, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nave, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt, Watts and Wright—29.

So said resolution was not laid upon the table.

Mr. Ewing of Allen moved to amend said resolution by adding the following:

And that the Fund Commissioners be requested to report the names of those Banks in New York, other than the Morris Canal and Banking Company, from whom they report there is now due \$731,461; and the prospect of collecting so much as is now due and will be due in 90 days from this time.

Mr. Beard of M. moved to amend said amendment by striking out the words "special Commissioner" wherever they occur in said resolution, and insert "our Fund Commissioner now in New York."

Mr. Smith called for a division of the question,

And the question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Cravens, Dobson, Herriott, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Stephenson, and Williams—18.

*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Brady, Carnan, Carr, Cathcart, Chamberlain, Clark, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nave, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt, Watts and Wright—28.

So the Senate refused to strike out, and the amendment to the amendment did not prevail.

And the amendment was adopted.

Mr. Carnan moved to amend the resolution by striking out the words "to be elected by joint ballot of the Legislature," and insert "said Commissioner to be elected by ballot of both Houses of the Legislature, balloting separately, and must obtain a majority in each House to be elected."

Mr. Baird of St. Joseph proposed to amend the amendment by striking out of the same, the words "to be elected by ballot of both Houses of the Legislature, balloting separately, and must obtain a majority in each House to be elected," and insert,

"To be nominated and appointed as the Fund Commissioners now are, by law;"

During the pendency of which question,

On motion, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

The Senate then resumed the consideration of the amendment to the amendment which was pending at the adjournment of the Senate.

Mr. Baird of St. Joseph withdrew the amendment to the amendment;

The question recurring on the amendment offered by Mr. Carnan, The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. J., Beard of M., Blair, Bowen, Carnan, Elliott, Ewing of Allen, Mount, Nave, Smith and Stafford—12.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Bell, Berry, Brady, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Moffatt, Morgan, Nickel, Riley, Smiley, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams and Wright—36.

Mr. Thompson moved to amend the resolution by striking it out from the enacting clause and inserting the following:



*Whereas*, In the report of the Fund Commissioners, there is charged for general and incidental expenses of the Board of Internal Improvement, the sum of \$26,767 71.

*Therefore resolved*, That the Fund Commissioners report to the Senate without unnecessary delay a literal transcript of the account presented by the Board of Internal Improvement, and paid by said Fund Commissioners, that it may be ascertained what are the items constituting the sum of \$26,767 71: Also as much as his Excellency in his message has communicated to the Legislature that the \$1,659,868, which is owing to the state from the New York banks, are unavailable.

*Resolved*, That the Fund Commissioners report to the Senate the particular situation of those funds, and why it is they are unavailable, and from what particular banks or corporations these sums are owing, in what manner the payment thereof is secured, if in any; and from what source they derive authority to sell the state bonds on credit, whether by their construction of our statutes, or by any order of the Board of Internal Improvement.

A division of the question being called for, and the question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M. Bell, Blair, Bowen, Carnan, Elliott, Herriott, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Thompson, Watts, and Williams  
—22

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carr, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nave, Nickel, Smiley, Tannehill, Tuley, Watt, and Wright—24.

So said resolution was not stricken out, and the amendment did not prevail.

Mr. Ewing of Allen, moved to amend said resolution by adding the following:

"And that scrip, bearing six per cent. interest, be issued without delay to said contractors and laborers, to evidence their claims, payable out of the funds procured as aforesaid, or in any other manner, obtained for or on account of the public works.

Mr. Thompson moved the previous question,

And the question being—will the Senate sustain the call for the previous question?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Brady, Carr, Cathcart, Chamberlain, Foster, Green, Hackett, Hargrove Kinzer, Lowe, Mount, Nave, and Thompson—15.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Herriott, Kennedy, Moffatt, Morgan, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt, Watts, Williams, and Wright—31.

So the call for the previous question was not sustained.

The President laid before the Senate a report from the Fund Commissioners, stating to whom and what amount of state bonds have been sold.

On motion of Mr. Stephenson,

Said report was laid upon the table, and 200 copies thereof ordered to be printed for the use of the Senate.

The President laid before the Senate a report from the Fund Commissioners, in reply to a resolution of the Senate on the subject of the moneys formerly in the hands of David Burr.

On motion of Mr. Dobson,

Said report was laid upon the table, and 200 copies ordered to be printed for the use of the Senate.

On motion of Mr. Ewing of Cass,

*Resolved*, That the Treasurer of State be and he is hereby requested to inform the Senate, at as early a day as may be convenient, what amount of gold or silver, or other par money, has been recently forwarded by the state authorities to the city of New York, to meet the interest that will soon be due on the state bonds sold to the Morris Canal and Banking Company, (by our fund agents,) who have failed to comply with their contract with said commissioners, and to meet and pay the interest on our bonds which they have had and hypothecated, pledged or sold, in London, and that he furnish this Senate with further reasons, if he be in possession of any, why the state has been thus called on to pay interest on bonds which have been sold by the fund agent, and in what way it has been provided for, when it is believed that the state has as yet received nothing for them, as well as any other information in his possession which is connected with this most calamitous occurrence.

On motion of Mr. Chamberlain,

*Resolved*, That the Fund Commissioners be directed without unnecessary delay, to inform the Senate whether Isaac Coe has been continued in their employment at the expense of the state since their appointment to office, and if so, how long, what the nature of his services has been, and what amount of compensation has been allowed him since that time.

And on motion, the Senate adjourned.



SATURDAY MORNING, DEC. 14.

The Senate assembled.

Mr. Ewing of Cass, presented the petition of sundry citizens of Wabash and Miami counties, praying that Thomas Goudie be permitted to erect a mill dam on Eel river near the dividing line between said counties;

Which was read and referred to a select committee.

Ordered, That Messrs. Ewing of Cass, Mount, Nickel, Smiley, and Moffatt, constitute said committee.

Mr. Berry presented the petition of Peter Houston of Monroe county, praying the Legislature to memorialize Congress on the subject of making a grant of land to said petitioner for revolutionary and other military services;

Which was read and referred to a select committee.

Ordered, That Messrs. Berry, Dobson, and Green, constitute said committee.

Mr. Moffatt presented the petition of H. and R. Stuart and others, contractors on the public works, asking some measure of relief to contractors.

Which was referred to the committee on ways and means.

Mr. Nave, from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate in relation to costs in changes of venue in criminal cases, &c., have had that subject under their consideration, and have directed me to report a bill, entitled,

No. 3, "an act amendatory to an act relative to practice in circuit courts," approved February 18, 1839.

The bill (No. 3,) was then read a first time and ordered to a second reading on Monday next.

Mr. Cathcart, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the following resolution of the Senate,

*Resolved*, That a select committee be appointed, whose duty it shall be to inquire into the expediency of providing by law for the support of the indigent blind of this State, with leave to report by bill or otherwise, have had the same under consideration, and have directed me to report the following bill, and to recommend the passage thereof.

The bill (No. 8,) contained in said report, entitled, "an act to provide for the support of the indigent blind in this state," was read a first time and ordered to a second reading.

The following message was received from the House of Representatives, by Mr. Harris their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed joint resolution of the Senate,

No. 4, relative to the duties of the enrolling clerks of the two houses of the General Assembly, without amendment.

Also, the House of Representatives have passed engrossed bills thereof,

No. 2, an act for the relief of the collector of Laporte county,

No. 6, an act for the relief of the heirs of Robert Meek, deceased,

No. 8, an act to receive the value of sheep killed by dogs,

No. 13, An act to change the name of Levina Fallis,

No. 15, an act to provide for the election of a justice of the peace in the town of Manhattan in Putnam county,

No. 17, a joint resolution relative to the claim of this state for lands to complete the Wabash and Erie canal,

No. 22, an act to vacate part of a street in the town of Brookville,

No. 23, An act to incorporate the New Washington Seminary,

No. 24, an act for the relief of James Copland and Macklin Copland,

No. 28, an act to regulate the jurisdiction of justices of the peace in Boone county,

No. 30, an act supplemental to an act relating to public roads and highways. approved February 17, 1838,

No. 12, an act to change the time of holding courts in the eleventh judicial circuit,

In which the concurrence of the Senate is respectfully requested.

Bill No. 2, in said message was read a second time, and the rules of the Senate having been dispensed with, it was read a second and third time and passed.

Bill No. 6. was read a first time, and ordered to a second reading.

Bill No. 8, was read a first time, and ordered to a second reading.

Bill No. 13, was read a first time, and ordered to a second reading.

Bill No. 15, was read a first time, and the rules of the Senate having been suspended, it was read a second and third times and passed.

Joint resolution No. 17, on the subject of the claim of the State of Indiana for lands to complete the Wabash and Erie canal, was read a first time, and the rules of the Senate having been suspended, it was read a second time.

Mr. Baird of St. Joseph moved to strike out of the preamble of said joint resolution, so much thereof as says "the General Assembly of this state has never entertained a doubt of the right of the state to demand and receive said lands from the United States, under the said act of Congress."

The question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Baird of St. Joseph, Brady, Carr, Cathcart, Cra-



vens, Dobson, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Tannehill, Thompson, Tuley, Watts, and Williams—26.

*Those who voted in the negative were,*

Messrs. Angle, Beard of M., Berry, Blair, Bowen, Carnan, Clark, Ewing of Allen, Herriott, Moffatt, Mount, Smith, Stephenson, Watt, and Wright—15.

So said words were stricken out.

On motion of Mr. Baird of St. Joseph,

The joint resolution was laid upon the table.

Mr. Baird of St. Joseph offered for adoption the following resolution:

*Resolved,* That when the Senate next adjourns, it will adjourn until Monday morning, 9 o'clock.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Beard of M., Blair, Bowen, Brady, Carnan, Carr, Cathcart, Cravens, Elliott, Ewing of Allen, Finch, Herriott, Moffatt, Riley, Smith, and Watt—19.

*Those who voted in the negative were,*

Messrs. Angle, Berry, Clark, Dobson, Ewing of Cass, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Stephenson, Tannehill, Thompson, Tuley, Watts, and Williams—22.

So said resolution was not adopted.

The President laid before the Senate a communication from the President of the State Bank, now in New-York, on the subject of the securities for state bonds sold in that city, which was read, and

On motion of Mr. Ewing of Allen, referred to the same select committee to whom was referred sundry resolutions of the Senate on the same subject.

And on motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the further consideration of the message from the House of Representatives, which was unfinished at the last adjournment.

Bill No. 22 was read a first time, and ordered to a second reading on Monday next.

Bill No. 23, was read a third time, and

On motion of Mr. Armstrong, the rules of the Senate were suspended, and it was referred to the committee on corporations.

Bill No. 24, was read a first time, and ordered to a second reading.

Bill No. 28, was read a first time and ordered to a second reading.

Bill No. 30, was read a first time and ordered to a second reading.

Bill No. 12, was read a first time, and

On motion of Mr. Kennedy, the rules of the Senate were suspended, and the bill referred to the select committee on the subject of equalizing the several judicial circuits.

On motion of Mr. Dobson, the Senate took from the table the joint resolution on the subject of the canal lands claimed by the state.

Mr. Thompson moved to re-consider the vote taken on striking out certain words in the preamble to said joint resolution.

During the pendency of said motion,

On motion the Senate adjourned.

MONDAY MORNING, DEC. 16.

The Senate assembled.

Mr. Ewing of Cass, having obtained leave, made the following report from a select committee:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Thomas Gowdie and others praying for the privilege to erect a mill dam across Eel river, have had that subject under consideration, and have directed me to report the following bill (in accordance with the prayer of said petitioner) entitled,

No. 9: An act to authorize Thomas Gowdie, Sen. to build a mill dam across Eel river, in Wabash county.

Said bill was read a first time, and, on motion of Mr. Mount, the rules of the Senate were suspended, and the bill read a second time now.

On motion of Mr. Ewing of Cass, the rules of the Senate were further suspended, and the bill read a third time now.

Mr. Chamberlain moved to re-commit the bill to the committee on corporations.

Which motion did not prevail, and the bill passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Thompson presented the petition of Jacob Rice and other citizens of Crawford county relative to a state road, which was referred to a select committee.

*Ordered,* That Messrs. Thompson, Hargrove, and Dobson, constitute said committee.

Mr. Cathcart from a select committee made the following report:



Mr. President—

The select committee to whom was referred that part of the Governor's message relating to the harbor at Michigan City, have had the same under consideration, and have directed me to report the following joint resolution, and to recommend the passage of the same.

The joint resolution entitled,

No. 10. A joint resolution upon the subject of the harbor at Michigan City, was read a first time, and ordered to a second reading on to-morrow.

Mr. Tannehill, from a select committee, made the following report:

Mr. President—

The select committee to whom was referred the petition of Valentine Miller, have had the same under consideration, and directed me to report the following bill, entitled,

An act for the relief of the heirs of Martin Berg.

Which bill was read a first time, and ordered to a second reading on to-morrow.

The Senate then resumed the consideration of the amendment of the Senator from Allen, to the resolution of the Senator from Cass, relative to the sending a special commissioner to New York for the purpose of investigating the sale of state bonds in that city. The amendment of the Senator from Allen, which was passed over on Friday last, by the operation of the call for the previous question, was accepted by Mr. Ewing of Cass, and became a part of the original resolution:

Mr. Dobson offered the following as an amendment to the resolution:

*Resolved*, That the fund commissioners be instructed to lay before the said committee a statement of all the banks, corporations and individuals with whom they have negotiated loans for internal improvement purposes, the par value of their stock at the time said loans were made, their present value, the price for which they could now be sold. Also to state if the state is paying interest on money which she has not received; if so, to whom; to what amount, and where it has to be paid; also, what amount of state bonds is held by the State Bank, and by what authority it holds them; what benefit the state receives by the arrangement with the Bank; whether the Bank has hypothecated said bonds, or any part of them; also, state whether in their opinion further loans can be negotiated at present, or in a short time, on advantageous terms to the state; also state the condition of any property the state owns in the eastern cities; also state, if any of said corporations or individuals have violated their contracts with the state.

Mr. Smith moved to amend the amendment by adding the following:

Also, to state the reasons alleged by the late purchasers of our bonds who have failed to meet their contracts for the payment of money; as the cause of such failure, and whether in their opinion the

sums due could be collected if suits were instituted, and if so to state why suits have not been instituted.

Which amendment to the amendment was accepted by Mr. Dobson, the mover.

And the amendment as amended was accepted by the mover of the original resolution.

Mr. Smith moved to amend the resolution, by striking out the word "par" and inserting the word "actual" before the words "value of their stocks," which was agreed to.

Mr. Dobson moved further to amend the resolution by inserting after the words "special agent," the words, "or one of our fund commissioners."

Which amendment was adopted.

Mr. Cravens moved to amend the resolution by striking it out from the resolving clause, and inserting the following:

That the committee on the Canal Fund be directed to inquire without unnecessary delay, into the expediency of re-organizing the Board of Fund Commissioners.

Mr. Watts called for a division of the question;

And the question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Beard of M., Cravens, Ewing of Allen, Moffatt, Morgan, Stephenson, and Williams—9.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Jo., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Tannehill, Thompson, Tuley, Watt, Watts and Wright—37.

And so the resolution was not stricken out.

Mr. Blair moved to change the reference of said resolution from the committee of ways and means to the committee on the Canal Fund.

Mr. Dobson moved to amend said motion by referring it to the committee on canals and internal improvements.

A division of the question being called for,

And the question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Ewing of Allen, Foster, Green, Hargrove, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Stafford, Stephenson, Tannehill, Tuley, Watt and Williams—31.



*Those who voted in the negative were,*

Messrs. Clark, Elliott, Ewing of Cass, Finch, Hackett, Kennedy, Kinzer, Smiley, Smith, Thompson and Watt—12.

So said committee was stricken out.

And the resolution was referred to the committee on the Canal Fund.

The question recurring on the adoption of the original resolution as amended;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Beard of Montgomery, Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Herriott, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams, and Wright—43.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Clark and Kennedy,—3.

So said resolution was adopted.

On motion of Mr. Cathcart,

*Resolved*, That the standing rules of the Senate be amended by the addition of the following namely:

That Jefferson's Parliamentary Manuel shall be recognized as the legitimate rule of action in this Senate, in all cases not provided for in the said standing rules.

On motion of Mr. Wright,

*Resolved*, That a committee of one from each judicial circuit, be appointed to inquire into the expediency of reporting a bill on the following subject:

1st. To provide that for all fees paid into the offices of the clerks of the circuit courts, supreme and district courts, and into the offices of justices of the peace in this state, that shall remain unclaimed at the the end of three years from the time the same shall have been paid into their respective offices, and it shall be the duty of the board doing county business in each of the counties of this state, to appoint a suitable person to settle with each of said officers, and to receive all of such fees, from the organization of such county up to the time of such settlement; subject to the limitation above mentioned.

2d. That such agent shall be authorized to sue for, and collect said fees, and report annually, to the board doing county business, his doings in the premises.

3d. That said fees shall be equally distributed among the several organized school districts in each of the counties for common school purposes.

*Ordered*, That said committee consist of Messrs. Wright, Moffatt, Chamberlain, Arion, Ewing of Allen, Elliott, Smith, Tuley, Cravens, Nave and Clark.

Mr. Elliott from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the engrossed with the enrolled joint resolution:

No. 4, a joint resolution relating to the duty of the Enrolling Clerks of the two Houses of the General Assembly;

And find the same truly enrolled,

And, on motion, the Senate adjourned.

TUESDAY MORNING, DEC. 17.

The Senate assembled.

Mr. Ewing of Cass moved that the Senate now proceed to the election of a Sergeant-at-Arms.

Mr. Thompson gave notice that on to-morrow he would move to amend the rules of the Senate as follows:

That hereafter it shall not be deemed necessary to the organization of the Senate to elect a Sergeant-at-Arms, and no election of said officer shall be gone into unless by resolution of the Senate."

Mr. Kennedy moved to lay the motion of Mr. Ewing on the table, and

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Beard of M., Bell, Berry, Brady, Cathcart, Chamberlain, Clark, Cravens, Finch, Foster, Hargrove, Herriott, Kennedy, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Smiley, Stafford, Stephenson, Thompson, Tuley, and Watts—26.

*Those who voted in the negative were,*

Messrs. Armstrong, Baird of St. Joseph, Blair, Bowen, Carnan, Carr, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Green, Hackett, Kinzer, Smith, Tannehill, Watt, Williams, and Wright—18.

So the motion was laid upon the table.



Mr. Thompson gave notice that he would on to morrow move to amend the standing rules of the Senate as follows:

To require the President, when it is in order, to introduce petitions, memorials, remonstrances, resolutions, or bills, to call upon Senators alphabetically, and when each Senator has been called upon, then to commence at the end of the alphabet, in his call, and call upon Senators regularly to the beginning of the alphabet.

Mr. Brady also gave notice, that at the same time he would move to amend said rules further, by adding the following:

And that the President in calling the standing committees shall call the list entirely through before returning back—that is, he shall begin to call where he left off the preceding day, if the list had not been gone through."

Mr. Berry presented the petition of Randolph Rossers, sen. and others, on the subject of memorializing Congress in relation to a certain mail route, which was referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Berry, Clark, and Moffatt.

Mr. Brady presented the petition of A. Bowen and others, citizens of Marion county asking the distribution of fines among the several school districts, which was read and referred to the judiciary committee.

Mr. Mount offered for adoption the following resolution:

*Resolved*, That the committee on canals and internal improvements be directed to inquire into the expediency of providing means, by the issue of state scrip or otherwise, for the speedy completion of such works or parts thereof as have so far progressed as to require but a small additional relative expense to that already incurred, in carrying them to some available point or feeder, with due reference to their increased productiveness, and preservation from dilapidation.

Mr. Bowen moved to amend said resolution by adding the following:

Said scrip redeemable in state bonds (at the pleasure of the holder) of a denomination of — bearing interest at the rate of 6 per cent. per annum, payable semi-annually. Said bonds redeemable by the state as soon as funds can be raised, either from bonds already sold, or bonds that may hereafter be sold.

Mr. Mount moved to amend the amendment by inserting after the words "state bonds," "or receivable in payment of canal lands already sold, or to be sold."

Mr. Moffatt moved to lay the resolution and amendments on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Blair, Carr, Cravens, Green, Hackett, Kennedy, Kinzer, Moffatt, Morgan, Nave, Nickel, Smith, Stephenson, Tuley, Watts, and Wright—16.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Foster, Hargrove, Herriott, Lowe, Mount, Smiley, Stafford, Tannehill, Watt and Williams—23.

So said resolution and amendments were not laid upon the table.

On motion of Mr. Lowe, the amendments were laid upon the table.

Mr. Watts moved to amend the resolution by adding the following:

And said scrip, over and above our present liabilities, shall be based upon the public works of the system of 1836, and be redeemed by the net proceeds of tolls from said works.

On motion of Mr. Baird of St. Joseph, said amendment was laid upon the table.

Mr. Morgan moved to amend said resolution by striking it out from the resolving clause, and inserting the following:

That the committee on canals and internal improvements be instructed to inquire into the expediency of suspending further operation on all the public works of internal improvement in this state for the present; and also whether the interest of the state does demand a reduction of officers connected with the same, with leave to report by bill or otherwise.

Mr. Kennedy moved to lay said amendment on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Foster, Hargrove, Herriott, Kennedy, Moffatt, Mount, Nave, Smiley, Stephenson, Tannehill, Tuley, Watt and Williams—27.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Lowe, Morgan, Nickel, Smith, Stafford, Thompson, Watts, and Wright—18.

So said amendment was laid upon the table.

Mr. Ewing of Cass moved to amend the resolution by adding the following:

No further appropriation of scrip or other available funds of the state to be made on any of the works of the system, until the present liabilities of the state to contractors are first paid off, except so far as may be necessary to prevent dilapidation and unnecessary waste and decay.

Mr. Baird of St. Joseph proposed to amend said amendment, by adding:

And that it shall be the duty of said committee to examine into the



propriety of reporting a bill carrying out the views of the Governor in prosecuting all the works in the bill of 1836.

Mr. Thompson moved to lay said amendment to the amendment on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Blair, Carr, Cathcart, Clark, Cravens, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Smiley, Smith, Thompson, Tuley, Watts, Williams and Wright—27.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Dobson, Elliott, Foster, Herriott, Stafford, Stephenson, Tannehill, and Watt—17.

So said amendment to the amendment was laid upon the table.

On motion of Mr. Moffatt,

The resolution and the pending amendment were laid on the table.

Mr. Nave offered for adoption the following resolution:

*Resolved*, That the committee on canals and internal improvements be requested to inquire into the expediency of a further modification of an act entitled an act to modify the plan of carrying on the public works, and to secure their ultimate completion, and amendatory of an act entitled an act to provide for a general system of internal improvements approved Jan. 27, 1836, approved Feb. 8, 1839, as follows, viz:

1st, To reduce the number of the Board from three to one;

2d, The reduction of the engineer department to one Principal Engineer without any assistants;

3d, To direct the future application of the resources of the state as follows:

First, To the entire completion of the Madison and Lafayette rail road to Indianapolis;

Second, The White-water canal up to the Cumberland road;

Third, A continuation of the Wabash and Erie canal from the mouth of the Tippecanoe river to the town of Lafayette; and,

4th, The completion of the Central canal from Indianapolis north to its intersection with the Wabash and Erie canal, with leave to report by bill or otherwise.

Mr. Stephenson moved to amend said resolution by striking out the words "the Madison road," and insert "the New Albany and Crawfordsville road."

Mr. Hargrove moved that the resolution and pending amendment be laid upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Berry, Blair, Bowen, Carnan, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Moffatt, Morgan, Smiley, Smith, Stafford, Stephenson, Thompson, Tuley, Watt and Williams—29.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Bell, Brady, Carr, Cathcart, Herriott, Kennedy, Lowe, Mount, Nave, Nickel, Tannehill, Watts and Wright—15.

So said resolution and amendment were laid upon the table.

On motion, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

On motion of Mr. Kennedy,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law, that hereafter every person in this state who may vote at the April elections, be required to endorse on his ticket, whether he is *for* or *against* the retailing of ardent spirits, and accordingly as the majority may be in each township, so shall the boards doing county business be governed in granting or withholding licenses for retailing in such townships.

Mr. Thompson moved the adoption of the following resolution:

*Resolved*, That a select committee be instructed to inquire into the expediency of so amending the act entitled an act to reduce the Board of Fund Commissioners, approved Feb. 14, 1839, as to provide for the election of Fund Commissioners, by a joint ballot of the Senate and House of Representatives, instead of appointment by the Governor, with the advice and consent of the Senate, as is provided by said act.

Mr. Moffatt moved to lay said resolution upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bowen, Carnan, Moffatt, Morgan, Mount, Stafford, Stephenson, and Watts—12.

*Those who voted in the negative were,*

Messrs. Armstrong, Bell, Berry, Blair, Brady, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Herriott, Kennedy,



Kinzer, Lowe, Nave, Nickel, Smiley, Smith, Tannehill, Thompson, Tuley Watt, Williams and Wright—33.

So said resolution was not laid upon the table.

Mr. Moffatt moved to amend said resolution by striking out the words "joint ballot" and inserting "by a separate ballot of the Senate and House of Representatives, and a majority of each branch shall be necessary to a choice."

Mr. Beard of M. moved to amend the amendment by striking out "separate ballot" and inserting "viva voce vote;"

Which was accepted by the mover;

The question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carman, Elliott, Ewing of Allen, Moffatt, Morgan, Mount, Nave, Smith, Stafford, Stephenson, Watts and Williams—21.

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carr, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt, and Watts—22.

So said words were not stricken out.

Mr. Ewing of Allen moved to amend the resolution by striking out the words "so as to provide for the election of Fund Commissioners by a joint ballot of the Senate," and inserting the words "so as to provide for the election of Fund Commissioners by the people."

The following message was received from the House of Representatives, by Mr. Harris their Clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed bill of the Senate,

No. 9, entitled an act to authorize Thomas Goudy, sen. to build a mill dam across Eel river in Wabash county, without amendment.

During the pendency of the question of the adoption of the amendment offered to the amendment to Mr. Thompson's resolution,

On motion, the Senate adjourned.

WEDNESDAY MORNING, DEC. 18.

The Senate assembled.

Mr. Cathcart presented the petition of George Brown and others of Laporte, on the subject of a state road, which was read and referred to the committee on roads.

Mr. Nave from the committee on education made the following report:

MR. PRESIDENT—

The committee on education to whom was referred a resolution, instructing them to inquire into the amendments necessary to be made to the acts therein named, in reference to fines collected and not paid over to trustees of seminaries, &c., have had that subject under consideration, and have directed me to report a bill, entitled,

No. 12, a bill amendatory of an act regulating the jurisdiction and duties of Justices of the Peace, approved February 17, 1838, and for other purposes.

Said bill was read a first time and ordered to a second reading.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a resolution of the Senate, number 13, relative to so much of the Governor's message as refers to the Wabash and Erie Canal Lands, have had that subject under consideration, and directed me to report, that it is inexpedient to legislate on the subject matter contained in said resolution, further than this General Assembly is now doing by way of joint resolution upon that subject; and therefore ask to be discharged from the further consideration thereof.

And the committee were accordingly discharged.

Mr. Riley, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of Elbert Jeter and others praying an act of incorporation for the Orleans Institute, have had the same under consideration and have instructed me to report a bill in accordance with the prayer of the petitioners, and recommend its passage; said bill is entitled,

No. 13, "a bill to incorporate the Orleans Institute."

And the bill was read a first and second time, the rules of the Senate having been suspended, and referred to the committee on corporations.

On motion of Mr. Brady, the report of the late Commissioner of



the Michigan Road was taken from the table, and referred to a select committee.

*Ordered*, That Messrs. Brady, Baird of St. Joseph and Ewing of Cass, constitute said committee.

Mr. Thompson, in accordance with notice given yesterday offered the following resolution:

*Resolved*, That the President of the Senate, when it is in order to introduce petitions, memorials or remonstrances, resolutions or bills, so change the order of business, that he call upon Senators alphabetically, and when each Senator has been called upon, then to commence at the end of the alphabet in his call, and call upon Senators regularly to the beginning of the alphabet.

Mr. Cathcart moved to amend said resolution by striking out the words "petitions, memorials and remonstrances."

On motion of Mr. Bell, the resolution and amendment were laid upon the table.

Mr. Brady, in accordance with notice given yesterday, offered for adoption the following resolution:

*Resolved*, That the following be adopted as a standing rule of the Senate:

"That the President in calling the standing committees, shall call the list entirely through before returning back; that is, he shall begin to call where he left off on the preceding day, if the list had not been gone through with.

On motion of Mr. Thompson, said resolution was laid upon the table.

The Senate then resumed the consideration of the resolution offered by Mr. Thompson, on the subject of electing a Fund Commissioner, together with the amendment which was pending at the last adjournment.

Mr. Ewing of Allen, then withdrew the amendment to said resolution.

Mr. Bell renewed the motion to amend by offering the same amendment which was withdrawn by Mr. Ewing of Allen.

Mr. Ewing of Cass moved to amend the amendment by adding the following:

"To the end that the ruinous results growing out of the past four year's of Whig misrule, may be white-washed and kept in the dark until the first Monday in August next, thereby disregarding the just demands of the many, to subserve the reckless designs of the few;"

Which was decided in the negative, and the amendment to the amendment was not adopted,

And on motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate a communication from the Board of Internal Improvement, as follows, to wit:

OFFICE OF STATE BOARD OF INTERNAL IMPROVEMENT,  
Indianapolis, Dec. 16, 1839.

Hon. DAVID HILLIS,

*President of the Senate,*

The Secretary of the Senate has laid before this Board, a resolution requiring us to state "whether there is an order of the Board authorizing the Fund Commissioners to negotiate loans on credit?" which resolution has received the consideration of the Board; and I am directed to say, that as the laws creating the Board of Fund Commissioners, and granting them power over the whole subject of our loans, have not given the Board of Internal Improvement any control over, or privilege of naming the terms of the sale of our bonds, none has been assumed by the Board, and that no such order has been made.

Very respectfully,

N. NOBLE,

*President of the Board.*

On motion of Mr. Tannehill, the communication was laid upon the table.

The Senate then resumed the consideration of the resolution pending at its last adjournment;

The question recurring on striking out; and

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—24.

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt and Wright—22.

So said words were stricken out.

Mr. Ewing of Cass moved to amend said amendment by inserting the words "a joint viva voce vote of both houses."

Mr. Bell then withdrew his amendment.

Mr. Ewing of Allen moved to amend the resolution by inserting the words "a separate viva voce vote of both houses."

Mr. Ewing of Cass moved to amend the said amendment by striking out the words "a separate viva voce vote of both houses," and inserting "a joint viva voce vote of both houses."

Mr. Ewing of Allen then withdrew his amendment.

Mr. Moffatt renewed the motion to amend by offering the same amendment just withdrawn by Mr. Ewing of Allen.



Mr. Kennedy then moved to amend the amendment, by offering the same amendment just withdrawn by Mr. Ewing of Cass;

The question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt and Wright—23.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Blair, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—23.

The President of the Senate then voted in the negative.

So said words were not stricken out.

Mr. Green moved to amend the amendment by adding the following:

*Provided.* That after both branches of the legislature, having each made three several separate viva voce votes for said Fund Commissioners, and not having made a choice, the said election for said Fund Commissioners shall be determined by joint ballot of both houses.

At the suggestion of Mr. Beard of M., Mr. Green modified his resolution so as to say five ballotings instead of three ballotings; and at the further suggestion of Mr. Dobson, the mover modified his resolution so as to say "a joint viva voce vote" instead of "by joint ballot."

Mr. Morgan moved to lay said resolution and amendments on the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Bowen, Brady, Clark, and Morgan—4.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Moffatt, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams and Wright—42.

So said resolution and amendments were not laid upon the table.

The question then recurring on the amendment to the amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, and Watt—23.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—23.

The President of the Senate then voted in the negative.

So said amendment to the amendment was not adopted.

The question then recurring on the adoption of the amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Blair, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—25.

*Those who voted in the negative were,*

Messrs. Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt and Wright—21.

So said amendment was adopted.

And the question being on the adoption of the resolution as amended,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watt, Watts and Williams—27.

*Those who voted in the negative were,*

Messrs. Brady, Carr, Cathcart, Chamberlain, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, and Wright—18.

So said resolution was adopted.

*Ordered,* That said select committee consist of Messrs. Thompson, Moffatt and Watts.



Mr. Elliott from the committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bill of the Senate,

No. 9, an act to authorize Thomas Goudy, sen. to build a mill dam across Eel river in Wabash county;

And find the same truly enrolled.

And, on motion, the Senate adjourned.

THURSDAY MORNING, DEC. 19, 1839.

The Senate assembled.

The President laid before the Senate the following communication:

OFFICE FUND COMMISSIONERS,  
Indianapolis, Dec. 18, 1839.

HON. DAVID HILLIS,  
*President of the Senate,*

SIR—I have the honor herewith to transmit a copy of a letter from Milton Stapp, Esq., Fund Commissioner, in relation to the debts of the State—please lay it before the Senate.

Your obedient servant,

L. H. SCOTT, F. C.

NEW YORK, Dec. 11, 1839.

DEAR SIR—

The outlines of a settlement with the Morris Canal and Banking Company is agreed upon, and Mr. Biddle and myself go to Philadelphia to night to try and consummate the agreement. He has to get from the United States Bank \$100,000 of Beers' certificate of deposit, in order to consummate the matter; this he thinks he can do. He gives me Beers' certificate of deposit; due 1st January next \$50,000; due 1st July next, \$50,000; due 1st January 1841, \$196,000. He gives me Morris Canal and Banking Company Post Notes for half the balance of the principal due in equal payments 1st April, July, Oct. 1841, and January 1842. For the balance he gives Morris Canal and Banking Company notes due 1st January, March, May, July, September, and November, 1841; which may be renewed twelve months by giving farther security, provided stocks will not then sell at a fair rate. He gives their post-notes for the interest due in January and July each

year, until the whole is paid. He gives me divers stocks for security. I do not think the security entirely ample, but it is the best that can be done. I think Mr. Merrill and they will settle.

Very respectfully,

(Copy.)

MILTON STAPP.

Mr. Cathcart moved to refer said communication to the committee on the canal fund, and print 200 copies thereof.

Mr. Ewing of Allen moved that said communication be referred with the following instructions: "To require ample security upon all amounts upon which further time is given."

Which was agreed to.

Mr. Nave moved the following as additional instructions: "and further inquire into the propriety of immediately dissolving the present Board of Fund Commissioners;" which was agreed to.

Mr. Ewing of Cass, moved the following as additional instructions: "or to cash said securities at their market value, provided the same can be done without too great sacrifice, in order that the money may be raised without delay to relieve our contractors;"

Which were agreed to.

Mr. Smith moved the following as additional instructions: "That they inquire whether the Morris Canal and Banking Company, have yet in their possession any of the bonds of the State of Indiana, and whether in their opinion it would be expedient for the State to issue an injunction against the sale and transfer of any and all such bonds, until said company shall have paid the consideration thereof;"

Which were agreed to.

Mr. Dobson moved the following, as additional instructions: "And further to inquire whether our Fund Commissioners hold the bonds of the Morris Canal and Banking Company for the amount due the State from said company, or whether they have merely opened a cash account with said company;"

Which were agreed to.

Mr. Chamberlain moved the following, as additional instructions: "And to inquire into the expediency of authorizing the Governor forthwith to instruct our present Fund Commissioners in New York to enter into no arrangement with the Morris Canal and Banking Company, which will in any manner compromise the security of the State in the stock and property of said institution which may be reached by process of law;"

Which was agreed to.

And the communication and instructions were referred to the committee on the Canal Fund, and 200 copies ordered to be printed.

The following message was received from the House of Representatives, by Mr. Judah, a member:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed bill there-



*Whereas*, In the report of the Fund Commissioners, there is charged for general and incidental expenses of the Board of Internal Improvement, the sum of \$26,767 71.

*Therefore resolved*, That the Fund Commissioners report to the Senate without unnecessary delay a literal transcript of the account presented by the Board of Internal Improvement, and paid by said Fund Commissioners, that it may be ascertained what are the items constituting the sum of \$26,767 71: Also as much as his Excellency in his message has communicated to the Legislature that the \$1,659,868, which is owing to the state from the New York banks, are unavailable.

*Resolved*, That the Fund Commissioners report to the Senate the particular situation of those funds, and why it is they are unavailable, and from what particular banks or corporations these sums are owing, in what manner the payment thereof is secured, if in any; and from what source they derive authority to sell the state bonds on credit, whether by their construction of our statutes, or by any order of the Board of Internal improvement.

A division of the question being called for, and the question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M. Bell, Blair, Bowen, Carnan, Elliott, Herriott, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Thompson, Watts, and Williams—22

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carr, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nave, Nickel, Smiley, Tannehill, Tuley, Watt, and Wright—24.

So said resolution was not stricken out, and the amendment did not prevail.

Mr. Ewing of Allen, moved to amend said resolution by adding the following:

"And that scrip, bearing six per cent. interest, be issued without delay to said contractors and laborers, to evidence their claims, payable out of the funds procured as aforesaid, or in any other manner, obtained for or on account of the public works.

Mr. Thompson moved the previous question,

And the question being—will the Senate sustain the call for the previous question?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Brady, Carr, Cathcart, Chamberlain, Foster, Green, Hackett, Hargrove Kinzer, Lowe, Mount, Nave, and Thompson—15.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Herriott, Kennedy, Moffatt, Morgan, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt, Watts, Williams, and Wright—31.

So the call for the previous question was not sustained.

The President laid before the Senate a report from the Fund Commissioners, stating to whom and what amount of state bonds have been sold.

On motion of Mr. Stephenson,

Said report was laid upon the table, and 200 copies thereof ordered to be printed for the use of the Senate.

The President laid before the Senate a report from the Fund Commissioners, in reply to a resolution of the Senate on the subject of the moneys formerly in the hands of David Burr.

On motion of Mr. Dobson,

Said report was laid upon the table, and 200 copies ordered to be printed for the use of the Senate.

On motion of Mr. Ewing of Cass,

*Resolved*, That the Treasurer of State be and he is hereby requested to inform the Senate, at as early a day as may be convenient, what amount of gold or silver, or other par money, has been recently forwarded by the state authorities to the city of New York, to meet the interest that will soon be due on the state bonds sold to the Morris Canal and Banking Company, (by our fund agents,) who have failed to comply with their contract with said commissioners, and to meet and pay the interest on our bonds which they have had and hypothecated, pledged or sold, in London, and that he furnish this Senate with further reasons, if he be in possession of any, why the state has been thus called on to pay interest on bonds which have been sold by the fund agent, and in what way it has been provided for, when it is believed that the state has as yet received nothing for them, as well as any other information in his possession which is connected with this most calamitous occurrence.

On motion of Mr. Chamberlain,

*Resolved*, That the Fund Commissioners be directed without unnecessary delay, to inform the Senate whether Isaac Coe has been continued in their employment at the expense of the state since their appointment to office, and if so, how long, what the nature of his services has been, and what amount of compensation has been allowed him since that time.

And on motion, the Senate adjourned.



SATURDAY MORNING, DEC. 14.

The Senate assembled.

Mr. Ewing of Cass, presented the petition of sundry citizens of Wabash and Miami counties, praying that Thomas Goudie be permitted to erect a mill dam on Eel river near the dividing line between said counties;

Which was read and referred to a select committee.

*Ordered*, That Messrs. Ewing of Cass, Mount, Nickel, Smiley, and Moffatt, constitute said committee.

Mr. Berry presented the petition of Peter Houston of Monroe county, praying the Legislature to memorialize Congress on the subject of making a grant of land to said petitioner for revolutionary and other military services;

Which was read and referred to a select committee.

*Ordered*, That Messrs. Berry, Dobson, and Green, constitute said committee.

Mr. Moffatt presented the petition of H. and R. Stuart and others, contractors on the public works, asking some measure of relief to contractors.

Which was referred to the committee on ways and means.

Mr. Nave, from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate in relation to costs in changes of venue in criminal cases, &c., have had that subject under their consideration, and have directed me to report a bill, entitled,

No. 3, "an act amendatory to an act relative to practice in circuit courts," approved February 18, 1839.

The bill (No. 3,) was then read a first time and ordered to a second reading on Monday next.

Mr. Cathcart, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the following resolution of the Senate,

*Resolved*, That a select committee be appointed, whose duty it shall be to inquire into the expediency of providing by law for the support of the indigent blind of this State, with leave to report by bill or otherwise, have had the same under consideration, and have directed me to report the following bill, and to recommend the passage thereof.

The bill (No. 8,) contained in said report, entitled, "an act to provide for the support of the indigent blind in this state," was read a first time and ordered to a second reading.

The following message was received from the House of Representatives, by Mr. Harris their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed joint resolution of the Senate,

No. 4, relative to the duties of the enrolling clerks of the two houses of the General Assembly, without amendment.

Also, the House of Representatives have passed engrossed bills thereof,

No. 2, an act for the relief of the collector of Laporte county,

No. 6, an act for the relief of the heirs of Robert Meek, deceased,

No. 8, an act to receive the value of sheep killed by dogs,

No. 13, An act to change the name of Levina Fallis,

No. 15, an act to provide for the election of a justice of the peace in the town of Manhattan in Putnam county,

No. 17, a joint resolution relative to the claim of this state for lands to complete the Wabash and Erie canal,

No. 22, an act to vacate part of a street in the town of Brookville,

No. 23, An act to incorporate the New Washington Seminary,

No. 24, an act for the relief of James Copland and Macklin Copland,

No. 28, an act to regulate the jurisdiction of justices of the peace in Boone county,

No. 30, an act supplemental to an act relating to public roads and highways, approved February 17, 1838,

No. 12, an act to change the time of holding courts in the eleventh judicial circuit,

In which the concurrence of the Senate is respectfully requested.

Bill No. 2, in said message was read a second time, and the rules of the Senate having been dispensed with, it was read a second and third time and passed.

Bill No. 6. was read a first time, and ordered to a second reading.

Bill No. 8, was read a first time, and ordered to a second reading.

Bill No. 13, was read a first time, and ordered to a second reading.

Bill No. 15, was read a first time, and the rules of the Senate having been suspended, it was read a second and third times and passed.

Joint resolution No. 17, on the subject of the claim of the State of Indiana for lands to complete the Wabash and Erie canal, was read a first time, and the rules of the Senate having been suspended, it was read a second time.

Mr. Baird of St. Joseph moved to strike out of the preamble of said joint resolution, so much thereof as says "the General Assembly of this state has never entertained a doubt of the right of the state to demand and receive said lands from the United States, under the said act of Congress."

The question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Baird of St. Joseph, Brady, Carr, Cathcart, Cra-



vens, Dobson, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Tannehill, Thompson, Tuley, Watts, and Williams—26.

*Those who voted in the negative were,*

Messrs. Angle, Beard of M., Berry, Blair, Bowen, Carnan, Clark, Ewing of Allen, Herriott, Moffatt, Mount, Smith, Stephenson, Watt, and Wright—15.

So said words were stricken out.

On motion of Mr. Baird of St. Joseph,

The joint resolution was laid upon the table.

Mr. Baird of St. Joseph offered for adoption the following resolution:

*Resolved*, That when the Senate next adjourns, it will adjourn until Monday morning, 9 o'clock.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Beard of M., Blair, Bowen, Brady, Carnan, Carr, Cathcart, Cravens, Elliott, Ewing of Allen, Finch, Herriott, Moffatt, Riley, Smith, and Watt—19.

*Those who voted in the negative were,*

Messrs. Angle, Berry, Clark, Dobson, Ewing of Cass, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Stephenson, Tannehill, Thompson, Tuley, Watts, and Williams—22.

So said resolution was not adopted.

The President laid before the Senate a communication from the President of the State Bank, now in New-York, on the subject of the securities for state bonds sold in that city, which was read, and

On motion of Mr. Ewing of Allen, referred to the same select committee to whom was referred sundry resolutions of the Senate on the same subject.

And on motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the further consideration of the message from the House of Representatives, which was unfinished at the last adjournment.

Bill No. 22 was read a first time, and ordered to a second reading on Monday next.

Bill No. 23, was read a third time, and

On motion of Mr. Armstrong, the rules of the Senate were suspended, and it was referred to the committee on corporations.

Bill No. 24, was read a first time, and ordered to a second reading.

Bill No. 28, was read a first time and ordered to a second reading.

Bill No. 30, was read a first time and ordered to a second reading.

Bill No. 12, was read a first time, and

On motion of Mr. Kennedy, the rules of the Senate were suspended, and the bill referred to the select committee on the subject of equalizing the several judicial circuits.

On motion of Mr. Dobson, the Senate took from the table the joint resolution on the subject of the canal lands claimed by the state.

Mr. Thompson moved to re-consider the vote taken on striking out certain words in the preamble to said joint resolution.

During the pendency of said motion,

On motion the Senate adjourned.

MONDAY MORNING, DEC. 16.

The Senate assembled.

Mr. Ewing of Cass, having obtained leave, made the following report from a select committee:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Thomas Gowdie and others praying for the privilege to erect a mill dam across Eel river, have had that subject under consideration, and have directed me to report the following bill (in accordance with the prayer of said petitioner) entitled,

No. 9: An act to authorize Thomas Gowdie, Sen. to build a mill dam across Eel river, in Wabash county.

Said bill was read a first time, and, on motion of Mr. Mount, the rules of the Senate were suspended, and the bill read a second time now.

On motion of Mr. Ewing of Cass, the rules of the Senate were further suspended, and the bill read a third time now.

Mr. Chamberlain moved to re-commit the bill to the committee on corporations.

Which motion did not prevail, and the bill passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Thompson presented the petition of Jacob Rice and other citizens of Crawford county relative to a state road, which was referred to a select committee.

*Ordered*, That Messrs. Thompson, Hargrove, and Dobson, constitute said committee.

Mr. Cathcart from a select committee made the following report:



Mr. President—

The select committee to whom was referred that part of the Governor's message relating to the harbor at Michigan City, have had the same under consideration, and have directed me to report the following joint resolution, and to recommend the passage of the same.

The joint resolution entitled,

No. 10. A joint resolution upon the subject of the harbor at Michigan City, was read a first time, and ordered to a second reading on to-morrow.

Mr. Tannehill, from a select committee, made the following report:

Mr. President—

The select committee to whom was referred the petition of Valentine Miller, have had the same under consideration, and directed me to report the following bill, entitled,

An act for the relief of the heirs of Martin Berg.

Which bill was read a first time, and ordered to a second reading on to-morrow.

The Senate then resumed the consideration of the amendment of the Senator from Allen, to the resolution of the Senator from Cass, relative to the sending a special commissioner to New York for the purpose of investigating the sale of state bonds in that city. The amendment of the Senator from Allen, which was passed over on Friday last, by the operation of the call for the previous question, was accepted by Mr. Ewing of Cass, and became a part of the original resolution:

Mr. Dobson offered the following as an amendment to the resolution:

*Resolved*, That the fund commissioners be instructed to lay before the said committee a statement of all the banks, corporations and individuals with whom they have negotiated loans for internal improvement purposes, the par value of their stock at the time said loans were made, their present value, the price for which they could now be sold. Also to state if the state is paying interest on money which she has not received; if so, to whom; to what amount, and where it has to be paid; also, what amount of state bonds is held by the State Bank, and by what authority it holds them; what benefit the state receives by the arrangement with the Bank; whether the Bank has hypothecated said bonds, or any part of them; also, state whether in their opinion further loans can be negotiated at present, or in a short time, on advantageous terms to the state; also state the condition of any property the state owns in the eastern cities; also state, if any of said corporations or individuals have violated their contracts with the state.

Mr. Smith moved to amend the amendment by adding the following:

Also, to state the reasons alleged by the late purchasers of our bonds who have failed to meet their contracts for the payment of money; as the cause of such failure, and whether in their opinion the

sums due could be collected if suits were instituted, and if so to state why suits have not been instituted.

Which amendment to the amendment was accepted by Mr. Dobson, the mover.

And the amendment as amended was accepted by the mover of the original resolution.

Mr. Smith moved to amend the resolution, by striking out the word "par" and inserting the word "actual" before the words "value of their stocks," which was agreed to.

Mr. Dobson moved further to amend the resolution by inserting after the words "special agent," the words, "or one of our fund commissioners."

Which amendment was adopted.

Mr. Cravens moved to amend the resolution by striking it out from the resolving clause, and inserting the following:

That the committee on the Canal Fund be directed to inquire without unnecessary delay, into the expediency of re-organizing the Board of Fund Commissioners.

Mr. Watts called for a division of the question;

And the question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Beard of M., Cravens, Ewing of Allen, Moffatt, Morgan, Stephenson, and Williams—9.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Jo., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Tannehill, Thompson, Tuley, Watt, Watts and Wright—37.

And so the resolution was not stricken out.

Mr. Blair moved to change the reference of said resolution from the committee of ways and means to the committee on the Canal Fund.

Mr. Dobson moved to amend said motion by referring it to the committee on canals and internal improvements.

A division of the question being called for,

And the question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Ewing of Allen, Foster, Green, Hargrove, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Stafford, Stephenson, Tannehill, Tuley, Watt and Williams—31.



*Those who voted in the negative were,*

Messrs. Clark, Elliott, Ewing of Cass, Finch, Hackett, Kennedy, Kinzer, Smiley, Smith, Thompson and Watt—12.

So said committee was stricken out.

And the resolution was referred to the committee on the Canal Fund.

The question recurring on the adoption of the original resolution as amended;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Beard of Montgomery, Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Herriott, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams, and Wright—43.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Clark and Kennedy,—3.

So said resolution was adopted.

On motion of Mr. Cathcart,

*Resolved,* That the standing rules of the Senate be amended by the addition of the following namely:

That Jefferson's Parliamentary Manuel shall be recognized as the legitimate rule of action in this Senate, in all cases not provided for in the said standing rules.

On motion of Mr. Wright,

*Resolved,* That a committee of one from each judicial circuit, be appointed to inquire into the expediency of reporting a bill on the following subject:

1st. To provide that for all fees paid into the offices of the clerks of the circuit courts, supreme and district courts, and into the offices of justices of the peace in this state, that shall remain unclaimed at the the end of three years from the time the same shall have been paid into their respective offices, and it shall be the duty of the board doing county business in each of the counties of this state, to appoint a suitable person to settle with each of said officers, and to receive all of such fees, from the organization of such county up to the time of such settlement; subject to the limitation above mentioned.

2d. That such agent shall be authorized to sue for, and collect said fees, and report annually, to the board doing county business, his doings in the premises.

3d. That said fees shall be equally distributed among the several organized school districts in each of the counties for common school purposes.

*Ordered,* That said committee consist of Messrs. Wright, Moffatt, Chamberlain, Arion, Ewing of Allen, Elliott, Smith, Tuley, Cravens, Nave and Clark.

Mr. Elliott from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the engrossed with the enrolled joint resolution:

No. 4, a joint resolution relating to the duty of the Enrolling Clerks of the two Houses of the General Assembly;

And find the same truly enrolled,

And, on motion, the Senate adjourned.

TUESDAY MORNING, DEC. 17.

The Senate assembled.

Mr. Ewing of Cass moved that the Senate now proceed to the election of a Sergeant-at-Arms.

Mr. Thompson gave notice that on to-morrow he would move to amend the rules of the Senate as follows:

That hereafter it shall not be deemed necessary to the organization of the Senate to elect a Sergeant-at-Arms, and no election of said officer shall be gone into unless by resolution of the Senate."

Mr. Kennedy moved to lay the motion of Mr. Ewing on the table, and

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Beard of M., Bell, Berry, Brady, Cathcart, Chamberlain, Clark, Cravens, Finch, Foster, Hargrove, Herriott, Kennedy, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Smiley, Stafford, Stephenson, Thompson, Tuley, and Watts—26.

*Those who voted in the negative were,*

Messrs. Armstrong, Baird of St. Joseph, Blair, Bowen, Carnan, Carr, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Green, Hackett, Kinzer, Smith, Tannehill, Watt, Williams, and Wright—18.

So the motion was laid upon the table.



Mr. Thompson gave notice that he would on to morrow move to amend the standing rules of the Senate as follows:

To require the President, when it is in order, to introduce petitions, memorials, remonstrances, resolutions, or bills, to call upon Senators alphabetically, and when each Senator has been called upon, then to commence at the end of the alphabet, in his call, and call upon Senators regularly to the beginning of the alphabet.

Mr. Brady also gave notice, that at the same time he would move to amend said rules further, by adding the following:

And that the President in calling the standing committees shall call the list entirely through before returning back—that is, he shall begin to call where he left off the preceding day, if the list had not been gone through."

Mr. Berry presented the petition of Randolph Rossers, sen. and others, on the subject of memorializing Congress in relation to a certain mail route, which was referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Berry, Clark, and Moffatt.

Mr. Brady presented the petition of A. Bowen and others, citizens of Marion county asking the distribution of fines among the several school districts, which was read and referred to the judiciary committee.

Mr. Mount offered for adoption the following resolution:

*Resolved*, That the committee on canals and internal improvements be directed to inquire into the expediency of providing means, by the issue of state scrip or otherwise, for the speedy completion of such works or parts thereof as have so far progressed as to require but a small additional relative expense to that already incurred, in carrying them to some available point or feeder, with due reference to their increased productiveness, and preservation from dilapidation.

Mr. Bowen moved to amend said resolution by adding the following:

Said scrip redeemable in state bonds (at the pleasure of the holder) of a denomination of — bearing interest at the rate of 6 per cent. per annum, payable semi-annually. Said bonds redeemable by the state as soon as funds can be raised, either from bonds already sold, or bonds that may hereafter be sold.

Mr. Mount moved to amend the amendment by inserting after the words "state bonds," "or receivable in payment of canal lands already sold, or to be sold."

Mr. Moffatt moved to lay the resolution and amendments on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Blair, Carr, Cravens, Green, Hackett, Kennedy, Kinzer, Moffatt, Morgan, Nave, Nickel, Smith, Stephenson, Tuley, Watts, and Wright—16.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Foster, Hargrove, Herriott, Lowe, Mount, Smiley, Stafford, Tannehill, Watt and Williams—23.

So said resolution and amendments were not laid upon the table.

On motion of Mr. Lowe, the amendments were laid upon the table.

Mr. Watts moved to amend the resolution by adding the following:

And said scrip, over and above our present liabilities, shall be based upon the public works of the system of 1836, and be redeemed by the net proceeds of tolls from said works.

On motion of Mr. Baird of St. Joseph, said amendment was laid upon the table.

Mr. Morgan moved to amend said resolution by striking it out from the resolving clause, and inserting the following:

That the committee on canals and internal improvements be instructed to inquire into the expediency of suspending further operation on all the public works of internal improvement in this state for the present; and also whether the interest of the state does demand a reduction of officers connected with the same, with leave to report by bill or otherwise.

Mr. Kennedy moved to lay said amendment on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Foster, Hargrove, Herriott, Kennedy, Moffatt, Mount, Nave, Smiley, Stephenson, Tannehill, Tuley, Watt and Williams—27.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Lowe, Morgan, Nickel, Smith, Stafford, Thompson, Watts, and Wright—18.

So said amendment was laid upon the table.

Mr. Ewing of Cass moved to amend the resolution by adding the following:

No further appropriation of scrip or other available funds of the state to be made on any of the works of the system, until the present liabilities of the state to contractors are first paid off, except so far as may be necessary to prevent dilapidation and unnecessary waste and decay.

Mr. Baird of St. Joseph proposed to amend said amendment, by adding:

And that it shall be the duty of said committee to examine into the



propriety of reporting a bill carrying out the views of the Governor in prosecuting all the works in the bill of 1836.

Mr. Thompson moved to lay said amendment to the amendment on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Blair, Carr, Cathcart, Clark, Cravens, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Smiley, Smith, Thompson, Tuley, Watts, Williams and Wright—27.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Dobson, Elliott, Foster, Herriott, Stafford, Stephenson, Tannehill, and Watt—17.

So said amendment to the amendment was laid upon the table.

On motion of Mr. Moffatt,

The resolution and the pending amendment were laid on the table.

Mr. Nave offered for adoption the following resolution:

*Resolved,* That the committee on canals and internal improvements be requested to inquire into the expediency of a further modification of an act entitled an act to modify the plan of carrying on the public works, and to secure their ultimate completion, and amendatory of an act entitled an act to provide for a general system of internal improvements approved Jan. 27, 1836, approved Feb. 8, 1839, as follows, viz:

1st, To reduce the number of the Board from three to one;

2d, The reduction of the engineer department to one Principal Engineer without any assistants;

3d, To direct the future application of the resources of the state as follows:

First, To the entire completion of the Madison and Lafayette rail road to Indianapolis;

Second, The White-water canal up to the Cumberland road;

Third, A continuation of the Wabash and Erie canal from the mouth of the Tippecanoe river to the town of Lafayette; and,

4th, The completion of the Central canal from Indianapolis north to its intersection with the Wabash and Erie canal, with leave to report by bill or otherwise.

Mr. Stephenson moved to amend said resolution by striking out the words "the Madison road," and insert "the New Albany and Crawfordsville road."

Mr. Hargrove moved that the resolution and pending amendment be laid upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Berry, Blair, Bowen, Carnan, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Moffatt, Morgan, Smiley, Smith, Stafford, Stephenson, Thompson, Tuley, Watt and Williams—29.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Bell, Brady, Carr, Cathcart, Herriott, Kennedy, Lowe, Mount, Nave, Nickel, Tannehill, Watts and Wright—15.

So said resolution and amendment were laid upon the table.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Kennedy,

*Resolved,* That the judiciary committee be instructed to inquire into the expediency of providing by law, that hereafter every person in this state who may vote at the April elections, be required to endorse on his ticket, whether he is *for* or *against* the retailing of ardent spirits, and accordingly as the majority may be in each township, so shall the boards doing county business be governed in granting or withholding licenses for retailing in such townships.

Mr. Thompson moved the adoption of the following resolution:

*Resolved,* That a select committee be instructed to inquire into the expediency of so amending the act entitled an act to reduce the Board of Fund Commissioners, approved Feb. 14, 1839, as to provide for the election of Fund Commissioners, by a joint ballot of the Senate and House of Representatives, instead of appointment by the Governor, with the advice and consent of the Senate, as is provided by said act.

Mr. Moffatt moved to lay said resolution upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bowen, Carnan, Moffatt, Morgan, Mount, Stafford, Stephenson, and Watts—12.

*Those who voted in the negative were,*

Messrs. Armstrong, Bell, Berry, Blair, Brady, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Herriott, Kennedy,



Kinzer, Lowe, Nave, Nickel, Smiley, Smith, Tannehill, Thompson, Tuley Watt, Williams and Wright—33.

So said resolution was not laid upon the table.

Mr. Moffatt moved to amend said resolution by striking out the words "joint ballot" and inserting "by a separate ballot of the Senate and House of Representatives, and a majority of each branch shall be necessary to a choice."

Mr. Beard of M. moved to amend the amendment by striking out "separate ballot" and inserting "viva voce vote;"

Which was accepted by the mover;

The question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Elliott, Ewing of Allen, Moffatt, Morgan, Mount, Nave, Smith, Stafford, Stephenson, Watts and Williams—21.

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carr, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt, and Watts—22.

So said words were not stricken out.

Mr. Ewing of Allen moved to amend the resolution by striking out the words "so as to provide for the election of Fund Commissioners by a joint ballot of the Senate," and inserting the words "so as to provide for the election of Fund Commissioners by the people."

The following message was received from the House of Representatives, by Mr. Harris their Clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed bill of the Senate,

No. 9, entitled an act to authorize Thomas Goudy, sen. to build a mill dam across Eel river in Wabash county, without amendment.

During the pendency of the question of the adoption of the amendment offered to the amendment to Mr. Thompson's resolution,

On motion, the Senate adjourned.

WEDNESDAY MORNING, DEC. 18.

The Senate assembled.

Mr. Cathcart presented the petition of George Brown and others of Laporte, on the subject of a state road, which was read and referred to the committee on roads.

Mr. Nave from the committee on education made the following report:

MR. PRESIDENT—

The committee on education to whom was referred a resolution, instructing them to inquire into the amendments necessary to be made to the acts therein named, in reference to fines collected and not paid over to trustees of seminaries, &c., have had that subject under consideration, and have directed me to report a bill, entitled,

No. 12, a bill amendatory of an act regulating the jurisdiction and duties of Justices of the Peace, approved February 17, 1838, and for other purposes.

Said bill was read a first time and ordered to a second reading.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a resolution of the Senate, number 13, relative to so much of the Governor's message as refers to the Wabash and Erie Canal Lands, have had that subject under consideration, and directed me to report, that it is inexpedient to legislate on the subject matter contained in said resolution, further than this General Assembly is now doing by way of joint resolution upon that subject; and therefore ask to be discharged from the further consideration thereof.

And the committee were accordingly discharged.

Mr. Riley, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of Elbert Jeter and others praying an act of incorporation for the Orleans Institute, have had the same under consideration and have instructed me to report a bill in accordance with the prayer of the petitioners, and recommend its passage; said bill is entitled,

No. 13, "a bill to incorporate the Orleans Institute."

And the bill was read a first and second time, the rules of the Senate having been suspended, and referred to the committee on corporations.

On motion of Mr. Brady, the report of the late Commissioner of



the Michigan Road was taken from the table, and referred to a select committee.

*Ordered*, That Messrs. Brady, Baird of St. Joseph and Ewing of Cass, constitute said committee.

Mr. Thompson, in accordance with notice given yesterday offered the following resolution:

*Resolved*, That the President of the Senate, when it is in order to introduce petitions, memorials or remonstrances, resolutions or bills, so change the order of business, that he call upon Senators alphabetically, and when each Senator has been called upon, then to commence at the end of the alphabet in his call, and call upon Senators regularly to the beginning of the alphabet.

Mr. Cathcart moved to amend said resolution by striking out the words "petitions, memorials and remonstrances."

On motion of Mr. Bell, the resolution and amendment were laid upon the table.

Mr. Brady, in accordance with notice given yesterday, offered for adoption the following resolution:

*Resolved*, That the following be adopted as a standing rule of the Senate:

"That the President in calling the standing committees, shall call the list entirely through before returning back; that is, he shall begin to call where he left off on the preceding day, if the list had not been gone through with.

On motion of Mr. Thompson, said resolution was laid upon the table.

The Senate then resumed the consideration of the resolution offered by Mr. Thompson, on the subject of electing a Fund Commissioner, together with the amendment which was pending at the last adjournment.

Mr. Ewing of Allen, then withdrew the amendment to said resolution.

Mr. Bell renewed the motion to amend by offering the same amendment which was withdrawn by Mr. Ewing of Allen.

Mr. Ewing of Cass moved to amend the amendment by adding the following:

"To the end that the ruinous results growing out of the past four year's of Whig misrule, may be white-washed and kept in the dark until the first Monday in August next, thereby disregarding the just demands of the many, to subserve the reckless designs of the few;"

Which was decided in the negative, and the amendment to the amendment was not adopted,

And on motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate a communication from the Board of Internal Improvement, as follows, to wit:

OFFICE OF STATE BOARD OF INTERNAL IMPROVEMENT,  
Indianapolis, Dec. 16, 1839.

Hon. DAVID HILLIS,

*President of the Senate,*

The Secretary of the Senate has laid before this Board, a resolution requiring us to state "whether there is an order of the Board authorizing the Fund Commissioners to negotiate loans on credit?" which resolution has received the consideration of the Board; and I am directed to say, that as the laws creating the Board of Fund Commissioners, and granting them power over the whole subject of our loans, have not given the Board of Internal Improvement any control over, or privilege of naming the terms of the sale of our bonds, none has been assumed by the Board, and that no such order has been made.

Very respectfully,

N. NOBLE,

*President of the Board.*

On motion of Mr. Tannehill, the communication was laid upon the table.

The Senate then resumed the consideration of the resolution pending at its last adjournment;

The question recurring on striking out; and

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—24.

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt and Wright—22.

So said words were stricken out.

Mr. Ewing of Cass moved to amend said amendment by inserting the words "a joint viva voce vote of both houses."

Mr. Bell then withdrew his amendment.

Mr. Ewing of Allen moved to amend the resolution by inserting the words "a separate viva voce vote of both houses."

Mr. Ewing of Cass moved to amend the said amendment by striking out the words "a separate viva voce vote of both houses," and inserting "a joint viva voce vote of both houses."

Mr. Ewing of Allen then withdrew his amendment.

Mr. Moffatt renewed the motion to amend by offering the same amendment just withdrawn by Mr. Ewing of Allen.



Mr. Kennedy then moved to amend the amendment, by offering the same amendment just withdrawn by Mr. Ewing of Cass;

The question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt and Wright—23.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Blair, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—23.

The President of the Senate then voted in the negative.

So said words were not stricken out.

Mr. Green moved to amend the amendment by adding the following:

*Provided.* That after both branches of the legislature, having each made three several separate viva voce votes for said Fund Commissioners, and not having made a choice, the said election for said Fund Commissioners shall be determined by joint ballot of both houses.

At the suggestion of Mr. Beard of M., Mr. Green modified his resolution so as to say five ballotings instead of three ballotings; and at the further suggestion of Mr. Dobson, the mover modified his resolution so as to say "a joint viva voce vote" instead of "by joint ballot."

Mr. Morgan moved to lay said resolution and amendments on the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Bowen, Brady, Clark, and Morgan—4.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Foster, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Moffatt, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams and Wright—42.

So said resolution and amendments were not laid upon the table.

The question then recurring on the amendment to the amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, and Watt—23.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—23.

The President of the Senate then voted in the negative.

So said amendment to the amendment was not adopted.

The question then recurring on the adoption of the amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Blair, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—25.

*Those who voted in the negative were,*

Messrs. Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt and Wright—21.

So said amendment was adopted.

And the question being on the adoption of the resolution as amended,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watt, Watts and Williams—27.

*Those who voted in the negative were,*

Messrs. Brady, Carr, Cathcart, Chamberlain, Ewing of Cass, Finch, Foster, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, and Wright—18.

So said resolution was adopted.

*Ordered,* That said select committee consist of Messrs. Thompson, Moffatt and Watts.



Mr. Elliott from the committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bill of the Senate,

No. 9, an act to authorize Thomas Goudy, sen. to build a mill dam across Eel river in Wabash county;

And find the same truly enrolled.

And, on motion, the Senate adjourned.

THURSDAY MORNING, DEC. 19, 1839.

The Senate assembled.

The President laid before the Senate the following communication:

OFFICE FUND COMMISSIONERS,  
*Indianapolis, Dec. 18, 1839.*

HON. DAVID HILLIS,  
*President of the Senate,*

SIR—I have the honor herewith to transmit a copy of a letter from Milton Stapp, Esq., Fund Commissioner, in relation to the debts of the State—please lay it before the Senate.

Your obedient servant,

L. H. SCOTT, F. C.

NEW YORK, Dec. 11, 1839.

DEAR SIR—

The outlines of a settlement with the Morris Canal and Banking Company is agreed upon, and Mr. Biddle and myself go to Philadelphia to night to try and consummate the agreement. He has to get from the United States Bank \$100,000 of Beers' certificate of deposit, in order to consummate the matter; this he thinks he can do. He gives me Beers' certificate of deposit; due 1st January next \$50,000; due 1st July next, \$50,000; due 1st January 1841, \$196,000. He gives me Morris Canal and Banking Company Post Notes for half the balance of the principal due in equal payments 1st April, July, Oct. 1841, and January 1842. For the balance he gives Morris Canal and Banking Company notes due 1st January, March, May, July, September, and November, 1841; which may be renewed twelve months by giving farther security, provided stocks will not then sell at a fair rate. He gives their post-notes for the interest due in January and July each

year, until the whole is paid. He gives me divers stocks for security. I do not think the security entirely ample, but it is the best that can be done. I think Mr. Merrill and they will settle.

Very respectfully,

(Copy.)

MILTON STAPP.

Mr. Cathcart moved to refer said communication to the committee on the canal fund, and print 200 copies thereof.

Mr. Ewing of Allen moved that said communication be referred with the following instructions: "To require ample security upon all amounts upon which further time is given."

Which was agreed to.

Mr. Nave moved the following as additional instructions: "and further inquire into the propriety of immediately dissolving the present Board of Fund Commissioners;" which was agreed to.

Mr. Ewing of Cass, moved the following as additional instructions: "or to cash said securities at their market value, provided the same can be done without too great sacrifice, in order that the money may be raised without delay to relieve our contractors;"

Which were agreed to.

Mr. Smith moved the following as additional instructions: "That they inquire whether the Morris Canal and Banking Company, have yet in their possession any of the bonds of the State of Indiana, and whether in their opinion it would be expedient for the State to issue an injunction against the sale and transfer of any and all such bonds, until said company shall have paid the consideration thereof;"

Which were agreed to.

Mr. Dobson moved the following, as additional instructions: "And further to inquire whether our Fund Commissioners hold the bonds of the Morris Canal and Banking Company for the amount due the State from said company, or whether they have merely opened a cash account with said company;

Which were agreed to.

Mr. Chamberlain moved the following, as additional instructions: "And to inquire into the expediency of authorizing the Governor forthwith to instruct our present Fund Commissioners in New York to enter into no arrangement with the Morris Canal and Banking Company, which will in any manner compromise the security of the State in the stock and property of said institution which may be reached by process of law;"

Which was agreed to.

And the communication and instructions were referred to the committee on the Canal Fund, and 200 copies ordered to be printed.

The following message was received from the House of Representatives, by Mr. Judah, a member:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed bill there-



of, No. 66, entitled, "an act to amend the laws concerning domestic attachments, in which the concurrence of the Senate is respectfully requested: and I am further directed to request the Senate to act thereon with closed doors.

The bill entitled, "a bill, No. , to amend the laws concerning domestic attachments," was read a first time, and

On motion of Mr. Tannehill, the rules of the Senate were suspended, and the bill read a second time.

Mr. Thompson moved to amend said bill as follows: 1st, after the words "any of the" strike out "canal commissioners" in 3d line, and insert "members of the Board of Internal Improvement,"

Which was agreed to.

Mr. Hargrove moved to amend said bill by adding the following words, after those last inserted, viz: "or any other person having charge of a portion of the public works;"

Which was agreed to.

Mr. Chamberlain moved to amend said bill so as to substitute the word "affiant" for the word "commissioner" wherever it may be found necessary in said bill, to make the same harmonize;

Which was agreed to.

And the bill being thus amended, the rules of the Senate having been suspended, was read a third time and passed, and sent to the House of Representatives for their concurrence.

Mr. Cathcart, from the committee on roads, made the following report:

Mr. PRESIDENT—

The committee on roads have had the petition of George Brown and others, of Jasper county, under consideration, and have directed me to report the following bill in accordance with the prayer of the said petitioners.

The bill entitled, No. , declaring a certain county road in Jasper county, a state road,

Was read a first time and ordered to a second reading.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have concurred in the amendments of the Senate to bill No. 60, of the House of Representatives.

Mr. Hackett from the committee on unfinished business, made the following report:

Mr. PRESIDENT—

The committee on unfinished business, have had the unfinished business of the last session under consideration, and have instructed me

to report a recommendation that the following bills be referred to the several committees hereinafter named, viz:

No. 318, bill of the House of Representatives for regulating the Militia of Indiana, be referred to the committee on military affairs.

No. 412, bill of the House of Representatives entitled "a bill concerning the revenue, and

No. 104, bill of the Senate entitled "a bill to provide for a more efficient mode of collecting the revenue and for other purposes," be referred to the committee of ways and means.

Bills No. 160 and 277 of the House of Representatives concerning insane persons, and concerning crime and punishment, and

Bills of the Senate, No. 100 and 161 to amend the practice at law, and to abolish capital punishment, be referred to the judiciary committee.

No. 367, bill of the House of Representatives, in relation to the State House, and for other purposes, be referred to the committee on public buildings.

No. 318, bill of the House of Representatives for the relief of those persons who made improvements on the donation lands previous to their selection for the seat of Government, be referred to the committee on the affairs of the town of Indianapolis;

No. 107 a bill of the Senate to amend an act entitled "an act incorporating congressional townships and providing for public schools therein, be referred to the committee on education;

No. 92, a bill of the Senate to change the name of Germantown in Floyd county, to that of Galena, be referred to a select committee.

Ordered, That Messrs. Hackett, Blair, Herriott, and Tuley, be that committee.

Mr. Ewing, of Cass, moved to take from the table the report of the select committee on the subject of so much of the Wabash and Erie canal as lies within the State of Ohio, and that 100 copies thereof be printed; which was agreed to.

Mr. Berry, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was directed the petition of Randolph Ross, and a great many other citizens of Monroe, praying the passage of a joint resolution, requesting our Senators and Representatives in Congress to use their exertions to have a mail route established from Springville in Lawrence county to the Virginia Furnace, and Stanford in Monae county, &c., have had that subject under consideration, and have directed me to report the following joint resolution, and request its passage.

The joint resolution No. 14, entitled, "a joint resolution in relation to a certain mail route therein named," was read a first time and ordered to a second reading.

On motion of Mr. Arion,

Resolved, That the committee of ways and means be directed to inquire whether there is any provision in the revenue law, authorizing the appointment of more than one lister in counties where more may



be needed, and if no such provision is made, to inquire into the expediency of providing therefor.

On motion of Mr. Chamberlain,

*Resolved*, That the judiciary committee inquire into the expediency of repealing so much of the act entitled "an act pointing out the mode of levying taxes and fixing the per centum for state purposes," as imposes a tax upon improvements made on lands until the term of five years shall have expired from the day of sale by Congress.

On motion of Mr. Tuley,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of reporting to this Senate a bill prohibiting the issue of small bills of credit (commonly called shinplasters,) by any city or town corporate, or by any of the constituted authorities thereof in this State.

On motion of Mr. Beard of M.,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of repealing that part of our revenue laws which requires the assessors to take a list of the agricultural statistics of their respective counties, with leave to report by bill or otherwise.

On motion of Mr. Wright,

*Resolved*, That the committee on canals and internal improvements, be instructed to inquire into the expediency of having the route of the Wabash and Erie canal from Lafayette to Terre-Haute, permanently located the ensuing season, with leave to report by bill or otherwise.

On motion of Mr. Morgan,

*Resolved*, That the committee on elections be requested to inquire into the expediency of so amending the 20th section of an act regulating the mode of doing county business, as to make it the duty of the board doing county business to appoint all township officers except constable, and that said committee report upon the expediency of repealing so much of said section as makes it the duty of the qualified voters to elect such officers on the first Monday of April in each year.

On motion of Mr. Green,

*Resolved*, That the committee on education be instructed to inquire whether an alteration and revision of the common school law, could not be made in point of brevity and meaning, which would add much to the plain, easy construction and usefulness of said law; and

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Thompson offered for adoption the following resolution:

*Resolved*, That a committee of one from each judicial circuit be appointed forthwith to inquire into the expediency of prohibiting the letting or making any new contract for the construction of the system of internal improvement proper, until required to do so by further legislative enactment. Also to enquire whether the services of the corps of engineers for the time being, should not be dispensed with; and to in-

quire whether the number of the Board of Internal Improvement should not be reduced.

Mr. Stephenson moved to amend said resolution by changing the reference to the committee on canals and internal improvement.

Mr. Kennedy moved to lay the resolution and amendments upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Carnan, Chamberlain, Dobson, Elliott, Herriott, Kennedy, Moffatt, Mount, Nave, Stafford, Stephenson, Tannehill, Watt and Williams—21.

*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Blair, Carr, Cathcart, Clark, Cravens, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nickel, Riley, Smiley, Thompson, Tuley, Watts, and Williams—23.

So said resolution was not laid upon the table.

The question recurring on the motion to strike out the select committee,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Chamberlain, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Moffatt, Mount, Nave, Stafford, Stephenson, Tannehill, Tuley, Watt, and Williams—24.

*Those who voted in the negative were,*

Messrs. Armstrong, Carr, Cathcart, Clark, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nickel, Riley, Smiley, Smith, Thompson, Watts, and Wright—20.

So said select committee was stricken out.

The question then recurring on inserting the "committee on canals and internal improvements;"

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Jo., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Moffatt, Mount, Nave, Stafford, Stephenson, Tannehill, Tuley, Watt, and Williams—23.



*Those who voted in the negative were,*

Messrs. Armstrong, Carr, Cathcart, Cravens, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nickel, Smiley, Smith, Thompson, Watts, and Wright—19.

So said "committee on canals and internal improvements" was inserted.

Mr. Nave moved to amend said resolution by adding the following amendment:

"Except such work in said system of internal improvements as in the opinion of the Board of Public Works ought in justice to the people of Indiana, to be finished as soon as the resources of the State will permit; which works shall be selected by the said Board, with an eye single to the best interests of the State.

Mr. Bell moved to lay said resolution and amendment on the table;  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Carnan, Chamberlain, Dobson, Elliott, Ewing of Allen, Hargrove, Kennedy, Moffatt, Mount, Stafford, Stephenson, Tuley and Watt—17.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Berry, Blair, Bowen, Brady, Carr, Cathcart, Clark, Cravens, Ewing of Cass, Finch, Foster, Hackett, Herriott, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Tannehill, Thompson, Watt, Williams and Wright—28.

So said resolution and amendment were not laid upon the table.

The question recurring on the adoption of the amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Berry, Brady, Carnan, Carr, Cravens, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hargrove, Herriott, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Tannehill, Thompson, Watts, Williams and Wright—32.

*Those who voted in the negative were,*

Messrs. Bell, Blair, Bowen, Cathcart, Chamberlain, Dobson, Hackett, Kennedy, Stafford, Tuley, and Watt—11.

So said amendment was adopted.

Mr. Ewing of Allen moved to amend said resolution as follows:

Strike out the words "of prohibiting the letting or making any new contracts, for the continuation of the system of internal improvement proper, until required so to do by further legislative enactments," and insert "of providing means to pay contractors and laborers on the public works, to finish the Wabash and Erie canal, and preserve the other works from being injured, that are now partly finished, and to finish such parts thereof, as are now partly constructed."

Mr. Bell moved to amend said amendment by striking out of the same the words "to finish the Wabash and Erie canal;"

Which motion prevailed, and said words were stricken out.

Mr. Chamberlain moved to lay said resolution and amendments on the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Carnan, Chamberlain, Dobson, Elliott, Ewing of Allen, Kennedy, Moffatt, Stafford and Stephenson—14.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Berry, Blair, Bowen, Brady, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Hackett, Hargrove, Herriott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Tannehill, Thompson, Tuley, Watt, Watts, Williams and Wright—31.

So said resolution and amendments were not laid upon the table.

Mr. Armstrong called for a division of the question;

The question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Carnan, Chamberlain, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Moffatt, Mount, Riley, Stafford, Stephenson, Watt, and Williams—20.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Berry, Blair, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Tannehill, Thompson, Tuley, Watts and Wright—24.

So said words were not stricken out.

The question then recurred on the adoption of the resolution as amended;



The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Berry, Blair, Brady, Carnan, Carr, Cathcart, Cravens, Ewing of Allen, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watts and Williams—30.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Beard of Montgomery, Bell, Bowen, Chamberlain, Dobson, Elliott, Ewing of Cass, Finch, Herriott, Kennedy, Moffatt, Tuley, Watt and Wright—15.

So said resolution as amended was adopted.

Mr. Baird of St. Joseph offered for adoption the following resolution:

*Resolved*, That this Senate, when it adjourns on Saturday the 21st inst. will adjourn to meet on Monday the 30th inst. at the usual hour, the House of Representatives concurring therein.

Mr. Chamberlain moved to amend said resolution by substituting the following, after the word *Resolved*, "That when the Senate adjourns on the 24th inst. it will adjourn until the 2d of January 1840, the House of Representatives concurring therein;

Which was accepted by the mover.

Mr. Watts moved to amend the resolution by adding "and that the pay of the members be suspended during the recess."

Which motion did not prevail.

The question recurring on the adoption of the resolution as amended,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Berry, Blair, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Herriott, Kennedy, Lowe, Moffatt, Nickel, Riley, Smiley, Smith, Stafford, and Williams—23.

*Those who voted in the negative were,*

Messrs. Armstrong, Beard of M., Bell, Bowen, Brady, Carnan, Carr, Cathcart, Green, Hackett, Hargrove, Kinzer, Morgan, Mount, Nave, Tannehill, Thompson, Tuley, Watt, Watts, and Wright—21.

So said resolution was adopted.

The following message was received from the Governor by Mr. Moore, his Private Secretary:

Mr. President:

I am directed by the Governor to inform the Senate, that he has on this day approved and signed a joint resolution which originated in the Senate, entitled

A joint resolution relative to the duty of the Enrolling Clerks of the two Houses of the General Assembly.

And also an act which originated in the Senate, entitled,

An act to authorize Thomas Goudy, sen, to build a mill dam across Eel river in Wabash county.

The following report was received from the committee on enrolled bills:

Mr. President—

The joint committee on enrolled bills now report, that they did this day present to His Excellency the Governor for his approval and signature, a joint resolution of the Senate,

No. 4, a joint resolution relating to the duty of the Enrolling Clerks of the two Houses of the General Assembly;

No. 9, an act to authorize Thomas Goudy, sen. to build a mill dam across Eel river in Wabash county.

The following report was received from the committee on enrolled bills:

Mr. President—

The joint committee on enrolled bills now report that they have compared the following enrolled with the engrossed bills thereof, and find the same truly enrolled, to-wit:

An act for the relief of the collector of Laporte county; and,

An act to provide for the election of a justice of the peace in the town of Manhattan in Putnam county;

And the Senate adjourned.

FRIDAY MORNING, DEC. 20.

The Senate assembled.

The President laid before the Senate a report from the Fund Commissioners, in obedience to a resolution of the Senate relative to the services of Isaac Coe.

On motion of Mr. Ewing of Cass 100 copies of the report were ordered to be printed.

On motion of Mr. Chamberlan, it was referred to the committee on the Canal fund.



And the resolution as amended was adopted.

On motion of Mr. Hargrove,

*Resolved*, That the committee of ways and means be instructed to inquire into the propriety of so amending the revenue law as to require the assessment and collection of bank stock to be made in the counties where the same may be held.

On motion of Mr. Williams,

*Resolved*, That the committee of ways and means be directed to inquire into the propriety of amending the revenue law, so as to tax travelling peddlers in whatever way they may think proper, so as to reach them, and if they think proper, report a bill for that purpose.

On motion of Mr. Watts,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending "the act regulating the summoning and empanneling grand jurors," as to give the court power at any time during its session to recal them after they have been discharged.

On motion of Mr. Mount,

*Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of authorizing the Sinking Fund Commissioners and agents for loaning the surplus revenue, to extend the time of paying in the instalments when they become due from persons owing the same, on payment of the interest thereon, as provided for by existing laws.

On motion of Mr. Chamberlain,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of issuing state bonds of such amounts, at such rate per cent. interest, and redeemable at such time, as may be found necessary and expedient, to such of the contractors on the public works as will take them in discharge in part or in full of the debts due them from the state.

On motion of Mr. Nave,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of repealing so much of the 1st section of an act entitled "an act regulating the admission and practice of attorneys and counsellors at law, (approved January 31, 1825,) as gives the power of licensing attorneys and counsellors at law, to two circuit judges with leave to report by bill or otherwise.

On motion of Mr. Baird of St. Joseph,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of increasing the fees of witnesses in the different courts throughout the state, with leave to report by bill or otherwise.

On motion of Mr. Thompson,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law, that the clerks of the circuit courts in the respective counties in which more than one thousand dollars are annually realized, shall pay the surplus or a certain per centage thereon into the county treasury, and whether the making up of complete records in certain causes which are tried in the circuit

courts may not be dispensed with, and the fee of one dollar for issuing marriage license be repealed, and the fee for issuing subpoenas in courts of record be reduced, and forbidding clerks from issuing fee bills or collecting fees for making of complete records before completed.

On motion of Mr. Bowen,

*Resolved*, That the Treasurer of State be requested to inform the Senate in what manner the commissioners of the College and Saline Funds perform their duty as such commissioners, and whether, if the offices of said commissioners were made to depend on election by the legislature for a definite time, it would not better secure the safety of said funds, and a more prompt attention of said commissioners to their duty.

On motion of Mr. Dobson,

*Resolved*, That the judiciary committee be instructed to inquire into the propriety of amending the Stay Law, so as to provide that when judgment is not stayed, that it shall be the duty of the constable or other officer to sell property on a credit of the same length of time that the defendant would have been entitled to stay the same, the purchaser giving sufficient security; *providing also*, that if the purchaser fail to pay according to the terms of the sale, then execution shall issue against him and his securities.

On motion of Mr. Berry,

*Resolved*, That the committee on the judiciary be instructed to inquire what amendment, if any, is necessary to insure the collection of the taxes upon bank stock, with leave to report by bill or otherwise.

On motion of Mr. Chamberlain,

The annual reports of the several branches of the State Bank were taken up, 200 copies thereof ordered to be printed, and referred to the committee on the State Bank, with instructions to procure such reports as may be missing, if any such there be.

On motion of Mr. Wright, the following resolution was taken from the table and adopted:

*Resolved*, That the board of internal improvement report to this Senate, at as early a day as practicable, whether there has not been contracts let on the Madison and Indianapolis rail road, on this side of Columbus, the past season, and whether there were not contracts let in June last, on said road between Columbus and Vernon, and that after the publication of N. Noble on the subject of the suspension of the public works, a number of said contractors on said road did not entirely suspend operations; and whether said board did not relet said contracts to a company at Madison, at the prices of the letting in June last.

On motion of Mr. Hackett,

*Resolved*, That the committee on education be instructed to inquire whether, in the 10th section of the 14th chapter of "an act incorporating congressional townships, and providing for public schools therein," there does not exist an error in the words, "16th section of the 5th chapter," and if those words should not have been, the 7th section of the 4th chapter, and that said committee report by bill or otherwise.



On motion of Mr. Angle,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law regulating the duties of supervisors of public roads as to make it obligatory upon them to report to the clerks of the circuit courts, in the counties in which their road districts lie, the names and number of persons in their respective districts liable to work on roads, before said clerks shall be called upon to certify the amount of road tax each individual is bound to satisfy.

On motion of Mr. Stephenson,

The resolution offered by Mr. Brady, on the subject of changing the rules of the Senate, and laid on the table, was taken up,

And on motion of Mr. Thompson,

Said resolution was again laid upon the table.

On motion of Mr. Ewing of Allen,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of increasing the length of time execution may be stayed on judgments, by entering special bail, and whether a longer time than 6 months, on amounts over \$500, should not be allowed; and to prevent real estate taken in execution from being sold for less than one half of its appraised value, and if not sold in one year, then for not less than one third its appraised value.

On motion of Mr. Hargrove,

*Resolved*, That the Secretary of State be required to report to the Senate, the reason why the printed copy of the report of the Treasurer of State in relation to the surplus revenue, furnished the Senate, is not complete.

On motion of Mr. Tuley,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the law relating to common schools, as to appoint one examiner of such schools in each county, whose duty it shall be to examine teachers as to their qualifications to teach, and whose duty it shall be to attend once in three months, and publicly examine the pupils of each school, and suggest a plan of instruction by which uniformity shall be attained; and at the close of the year each examiner shall report to the Secretary of State the number of schools organized in their counties respectively, and what progress has been made in reforming and reorganizing common schools, with leave to report by bill or otherwise.

On motion of Mr. Berry,

*Resolved*, That the committee on military affairs be instructed to inquire into the propriety and expediency of so amending the military law as to provide a more effectual mode of calling out and training the militia of this state, so as to compel uniformity in the training throughout the state; and if found inexpedient, then inquire into the propriety of repealing all laws on that subject, with leave to report by bill or otherwise.

On motion of Mr. Carnan,

*Resolved*, That the committee on education inquire into the expediency

of revising our school laws so as to appoint a general superintendent of public schools for the state.

On motion of Mr. Hargrove,

*Resolved*, That the credentials of the newly elected Senators, be referred to the committee on elections.

On motion of Mr. Bowen,

The joint resolution on the subject of Wabash and Erie canal lands, was taken up.

Mr. Bowen moved to strike out the preamble to said joint resolution, and insert the following:

*Whereas*, The Congress of the United States, under an act of the 2d March, 1827, donated to the State of Indiana, an amount equal to one half of 5 miles in width, to aid said State in constructing a canal to connect the navigable waters of the Wabash river, with those of Lake Erie, and *Whereas*, It was reserved to the State of Indiana to determine the connecting points, and in obedience thereto, she has fixed said point at Terre Haute, on the Wabash river, by an act of said state "approved January 27th, 1836," and, *Whereas*, The Attorney General and the Commissioner of the General Land Office, have decided the claim in favor of the State of Indiana, and *Whereas*, The President of the United States referred the question on that subject to the last session of Congress, but too late for the proper action of that body before their adjournment.

Which motion prevailed.

And the joint resolution thus amended was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed joint resolution of the House,

No. 48, relating to contractors and others on the public works,

Also, an engrossed Bill of the House, No. 35, entitled, An act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county, in which the concurrence of the Senate is respectfully requested.

The joint resolution No. 48, in said message, was read a first time, and

On motion of Mr. Finch,

The rules of the Senate were suspended, and it was read a second time,

And, on motion of Mr. Ewing of Allen,

The rules of the Senate being further suspended,

The joint resolution was read a third time and passed.

The Bill No. 35, in said message, was read a first time,

And, on motion of Mr. Hargrove,



The rules of the Senate were suspended, and the bill read a second time, and referred to the committee on the judiciary.

On motion of Mr. Ewing of Allen,

The Senate took up the joint resolution on the subject of sending a commissioner to Ohio in reference to the Wabash and Erie canal.

And on motion,

The Senate adjourned.

2 o'clock P. M.

The Senate assembled.

Mr. Mount moved that the Senate now proceed to the election of a Sergeant-at-Arms.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Carr, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Mount, Riley, Smiley, Smith, Tannehill, and Wright—23.

*Those who voted in the negative were,*

Messrs. Brady, Chamberlain, Clark, Cravens, Hargrove, Kennedy, Kinzer, Lowe, Moffatt, Morgan, Nave, Nickel, Stafford, Stephenson, Tuley, Watt, Watts and Williams—18.

So said motion prevailed.

The Senate then proceeded to vote by ballot for a Sergeant-at-Arms, and upon counting the vote upon the first ballot it appeared that

Solomon Davis had received 26 votes,

Bazil Brown " 10

Scattering " 8

Mr. Davis having received a majority of all the votes given was declared duly elected.

Mr. Kennedy moved that the said Sergeant-at-Arms be not sworn into office until his services be required by the Senate.

The question being on agreeing to said motion,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Brady, Cravens, Kennedy, Nave, Nickel, and Watt—6.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Carr, Cathcart, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lowe, Morgan, Mount, Riley,

Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watts, Williams and Wright—38.

And said motion did not prevail.

The said Sergeant-at-Arms was then sworn into office by the Hon. Isaac Blackford, a judge of the supreme court.

The Senate then resumed the consideration of the joint resolution which was pending previous to the election of the Sergeant-at-Arms.

Mr. Clark moved to amend said joint resolution, as follows:

Strike out the words "that a special commissioner be appointed whose duty it shall be to repair to the seat of government of the state of Ohio" and insert the following:

That it is hereby made the duty of the President, or one of the members of the board of internal improvement, at as early a day as practicable to repair to the seat of government of the state of Ohio.

Which amendment was agreed to.

Mr. Bowen moved to amend as follows:

Strike out after the words "Wabash and Erie Canal," in the second resolve, "from the Ohio state line to the town of Lafayette," and insert "in Indiana."

Which amendment was agreed to.

On motion of Mr. Baird of St. Joseph,

The Senate resolved itself into a committee of the whole Senate, on said joint resolution, Mr. Baird in the chair.

After some time passed in said committee, the committee rose, reported progress, and asked leave to sit again,

And on the question, will the Senate grant leave? it was decided in the negative.

And on motion, the Senate adjourned.

SATURDAY MORNING, DEC. 21.

The Senate assembled.

The President laid before the Senate a communication from the Treasurer of State in obedience to a resolution of the Senate, on the subject of the payment of interest on state bonds in New York, and other matter connected therewith.

On motion of Mr. Ewing of Cass, 500 copies of the same were ordered to be printed for the use of the Senate.

On motion of Mr. Dobson, the communication was referred to the committee on the canal fund.

Mr. Berry presented the petition of Polly Rodgers, executrix of Jonathan Rodgers, decd. asking the privilege of selling certain real estate, which was read and referred to the judiciary committee.

Mr. Baird of St. Joseph presented the petition of George R. Thralls, and others, citizens of Kosciusko and Whitley counties on the subject of a state road, which was read and referred to the committee on roads.



Mr. Baird of St. J., also presented the petition of Aaron Belt and others, citizens of Kosciusko county, on the subject of a state road; Which was referred to the committee on roads.

Mr. Beard of M. from the committee on ways and means made the following report:

MR. PRESIDENT—

The committee on ways and means to whom was referred that part of the Governor's message which relates to taking the enumeration of the free white male inhabitants over the age of twenty-one years, with a view to apportioning Senators and Representatives in the General Assembly for the next five years, have had that subject under consideration, and directed me to report a bill to provide for taking the enumeration of the free white male inhabitants over the age of twenty-one years in this state.

The bill in said report referred to, No. 18, was read a first time and ordered to a second reading.

Mr. Bowen from the committee on education made the following report:

MR. PRESIDENT—

The committee on education to whom was referred "a bill to amend an act incorporating congressional townships and providing for public schools therein, approved February 17th, 1838," reported from the committee on unfinished business, have had the same under consideration and have directed me to report a copy of the same back to the Senate and recommend its passage.

The Bill No. 19, referred to in said report, was read a first time and ordered to a second reading.

Mr. Cathcart, from the committee on roads, made the following report:

MR. PRESIDENT—

The committee on roads have had the petition of James Marshall and others, of the counties of Shelby and Rush, under consideration and have directed me to report the following bill in accordance with the prayer of the said petitioners.

The Bill No. 20, referred to in said report was read a first time and ordered to second reading.

Mr. Dobson, from the committee on claims, made the following report:

MR. PRESIDENT—

The committee on claims, to whom the memorial of A. W. Noe was referred, have according to order had the same under consideration, and have directed me to report a bill for the relief of said Noe.

The bill No. 21, referred to in said report was read a first time, and

on motion of Mr. Brady, the rules of the Senate were suspended, and the bill read a second time now. On motion of Mr. Dobson, the rules of the Senate were further suspended, and the bill read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Thompson, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a resolution instructing an inquiry into the expediency of so amending the act entitled an act entitled an act to reduce the board of fund commissioners approved February 14, 1839, as to provide for the election of fund commissioners by a separate viva voce vote of both houses, and a majority of each is to be required to effect an election, instead of appointment by the Governor, with the advice and consent of the Senate as is provided by said act, have duly advised me to report a bill to amend as is suggested in the resolution; entitled

A bill to provide for the election of fund commissioners by a separate viva voce vote of each house of the General Assembly.

The bill No. 22, referred to in said report, entitled "a bill to provide for the election of fund commissioners, by a separate viva voce vote of each house of the General Assembly, was read a first time.

On motion of Mr. Ewing of Allen,

The rules of the Senate were suspended, and the bill read a second time now.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have concurred in the amendments of the Senate to the engrossed joint resolution of the House.

No. 17, in relation to the claim of this state for lands to complete the Wabash and Erie Canal.

Mr. Cravens moved that the Senate now resolve itself into a committee of the whole, on the bill under consideration;

Which motion did not prevail.

Mr. Wright moved to amend said bill as follows:

Strike out of the first section, after the word "elected," the words "a separate viva voce vote of both houses," and insert "by a joint viva voce vote of both houses."

Mr. Cravens called for a division of the question;

And the question being on striking out,

During the pendency of which question,

On motion, the Senate adjourned.



2 o'clock, P. M.

The Senate assembled.

The Senate then resumed the consideration of the question of striking out the "separate vote" in the bill under consideration at the adjournment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt and Wright—22.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—23.

So said words were not stricken out,

And the amendment did not prevail.

Mr. Lowe moved to amend said bill by adding the following proviso:

*Provided*, That after three unsuccessful votings, the election shall be by a joint viva voce vote of both houses.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt and Wright—22.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Mount, Morgan, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—23.

So said amendment did not prevail.

Mr. Stephenson moved to amend said bill, by adding the following proviso:

*"Provided*, That after three unsuccessful ballotings, if there should be no choice, the Senate shall elect one, and the House the other, and the two jointly shall constitute the board of fund commissioners.

Mr. Kennedy moved to amend the amendment as follows:

With instructions to oppose and thwart each others actions to the best of their skill and ability.

Which amendment to the amendment was adopted,  
And the amendment as amended was not adopted.

Mr. Elliott moved to amend the bill by striking it out from the enacting clause and inserting a substitute.

On motion of Mr. Kennedy, the Senate granted leave of absence to Mr. Chamberlain, until the 2d day of January next.

And on motion,

The Senate adjourned.

MONDAY MORNING, DEC. 23.

The Senate assembled.

The Senate granted leave of absence to Messrs. Kennedy, Herriott, Cathcart Ewing of Cass, Hargrove, Cravens, and Tuley, until Tuesday evening next.

On motion of Mr. Brady,

*Resolved*, That the Senate now proceed to the election of a President of the Senate pro tempore, during the absence of the Hon. David Hillis.

And the Senate proceeded to ballot for said President pro tempore, when it appeared the Hon. David Mount was unanimously elected, and Messrs. Angle and Green conducted him to the chair.

Mr. Thompson from the committee on the judiciary, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill of the House of Representatives, No. 277, and left with the unfinished business of the Senate last session entitled, an act to amend an act concerning insane persons, approved January 22, 1818, have after examining the bill, instructed me to report it to the Senate without amendment and recommend its passage.

The bill of the Senate entitled a bill to amend the several acts regulating the practice at law, referred to the judiciary committee, I herewith make a similar report.

The bill to abolish capital punishment, I am instructed to recommend its indefinite postponement.

The petition of Abraham Bowen and several other citizens of Marion county, praying for the passage of a law providing that all fines which may hereafter be assessed and collected for any breach of the peace, to be paid by the officers collecting the same to the several treasurers of each congressional township organized for common schools, have instructed me to report that it is inexpedient to enact such a law and a palpable violation of the Constitution of Indiana, inasmuch as it



is therein provided and required that all fines they assessed and collected shall be paid over for the benefit of the county seminaries.

The bill No. 23, relative to insane persons, contained in said message, was read a first time.

Mr. Lowe moved that the rules of the Senate be suspended and the bill read a second time now;

Which motion did not prevail.

And the bill was ordered to a second reading on to-morrow.

Bill No. 24, in said message, was read a first time and ordered to a second reading on to-morrow.

The report of the committee in reference to the bill to abolish capital punishments, was not concurred in;

And the bill was read a first time and ordered to a second reading,

And the remainder of said report was concurred in.

Mr. Thompson from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the House of Representatives No. 35, entitled a bill for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county, have duly examined the same and instructed me to make one amendment, to which the concurrence of the Senate is respectfully requested.

In the 9th section after the word provided, strike out all in that and the next 8 lines and insert the following: "however, that the judgment debtor shall have ten days previous notice by personal service or publication in the newspaper nearest to the court house in said county, for at least 6 successive weeks before such motion is made; but should the judgment:"

11th section, strike out June, insert October.

Strike out July, insert October.

And said report was concurred in.

The bill No. 35, referred to in said message, was

On motion of Mr. Hargrove, the rules of the Senate having been suspended, considered as engrossed, read a third time and passed.

Mr. Moffatt from the committee on public buildings made the following report:

MR. PRESIDENT—

The committee upon public buildings, to whom was referred a bill in relation to the state house and for other purposes, have instructed me to report the same back to the Senate without amendment, and recommend its passage.

The bill No. 25, was read a first time and ordered to a second reading.

The Senate then resumed the consideration of the bill pending at

the last adjournment, in relation to sending a special fund commissioner to New York.

On motion of Mr. Dobson, said bill and the pending amendments were laid upon the table.

Mr. Berry having obtained leave, made the following report from a select committee:

MR. PRESIDENT—

The select committee to whom was referred the petition of Joseph S. Walker and Benjamin Sullivan, have had that subject under consideration and have directed me to report the following bill:

The bill No. 27, referred to in said message, was read a first time and ordered to a second reading.

The following message was received from the House of Representatives, by Mr. Hull, a member:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House has passed an engrossed bill No. 11, entitled, "an act for the relief of the collector of Fayette county; which originated in the House of Representatives, and

In which the concurrence of the Senate is respectfully requested.

The bill referred to in said message, was read a first time, and

On motion of Mr. Watt, the rules of the Senate were suspended, and the bill read a second time and referred to the committee on ways and means.

Mr. Elliott offered for adoption the following resolution:

*Resolved*, That the Surgeant-at-arms of the Senate, serve no process issued by the House of Representatives, unless by consent of the Senate.

Mr. Dobson moved to amend said resolution by striking it out from the resolving clause, and inserting the following:

"That at any time the House informs the Senate by message, that the Sergeant-at-arms is unable or officially engaged, and cannot discharge the duties as Sergeant-at-arms—then the Sergeant-at-arms of the Senate shall be directed to execute any process that may be directed by the Speaker of the House of Representatives.

Mr. Arion moved to amend the amendment by adding the following:

"*Provided*, That the Sergeant-at-arms of the Senate, be not otherwise engaged in the business of the Senate;"

Which amendment to the amendment was accepted by Mr. Dobson, the mover.

Mr. Stephenson moved to amend the amendment by adding the following:

"That the House be informed of the adoption of this resolution;"

Which amendment was not adopted, and

The resolution as amended, was adopted.



The following message was received from the House of Representatives, by Mr. Harris, their clerk.

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled joint resolution of the House, No. 17, in relation to the claim of this State for lands to complete the Wabash and Erie canal,

I am directed to bring the same to the Senate for the signature of the President thereof.

I am also directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate to adjourn from Tuesday the 24th instant, until the 2d day of Jan., 1840.

And the President of the Senate, signed said joint resolution.

On motion of Mr. Arion,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the 4th section of "the act allowing and regulating the writ of ad quad damnum," as to authorize the issuing of said writ, after a mill or mill-dam may have been erected.

On motion of Mr. Clark,

*Resolved*, That the committee on education be instructed to inquire into and report the condition of the State University, whether or not it is in a flourishing condition, and if not, what is the cause, and what measures should be adopted to secure its prosperity, with a view to make it, in point of fact, what it purports to be, a *State University*—with leave to report by bill or otherwise.

Mr. Dobson introduced a joint resolution, entitled

"A joint resolution supplemental to a joint resolution for the relief of contractors upon public works,"

Which was read a first time.

On motion of Mr. Thompson,

The rules of the Senate were suspended, and the joint resolution read a second time, and laid upon the table.

On motion of Mr. Armstrong,

*Resolved*, That the committee on education be instructed to inquire what amendments, if any, are necessary to the laws regulating schools in Clark's Grant, to provide proper compensation to the School Commissioner for services rendered in relation to the school funds of said Grant.

On motion of Mr. Brady,

The joint resolution just laid upon the table, was taken up.

Mr. Wright moved to amend said joint resolution, by inserting the following:

"That on settlement of said contractors, our board of commissioners shall take a relinquishment from said contractors, relinquishing the further prosecution of said works, until the further action of the legislature of this state, when the state has means to prosecute said works."

Mr. Nave moved to amend said amendment as follows:

That the board of public works shall not certify the per cent. de-

tained upon all contracts heretofore let, upon any of the works, unless the contractor or contractors shall first relinquish his or their contract or contracts, or permit the same to be transferred to such works in the system of 1836, as in the opinion of the board the state would derive the greatest profit from when completed.

On motion of Mr. Green,

The said amendments were laid upon the table.

Mr. Brady moved to amend said joint resolution by striking out from the resolving clause, and inserting a substitute:

Which motion was agreed to.

On motion of Mr. Ewing of Allen,

Said joint resolution was read a second and third time and passed.

*Ordered*, That the House of Representatives be informed thereof,

And, on motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Clark,

*Resolved*, That the committee of ways and means be instructed to examine the act pointing out the mode of levying taxes and fixing the per centum for state purposes, approved Feb. 15, 1839, and report whether or not, in order to make the provisions of the 4th section of said act more effectual, it would not be better to make it the duty of the clerks in the several counties in this state to grant permits, on application being made in the recess of county boards, with leave to report by bill or otherwise.

On motion of Mr. Arion, the bill changing the name of Harvey Slocomb, was taken up.

Mr. Arion moved to amend the bill by adding the following at the end of the last section: "in the Republican Banner at Madison;"

Which amendment was agreed to, and the bill read a second and third time and passed.

On motion of Mr. Angle, the bills to change the name of Lavina Fallis was taken up, and the rules of the Senate having been suspended, read a second and third time and passed.

The following message was received from the House of Representatives, by Mr. Lane, a member:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed joint resolution,

A joint resolution supplemental to a joint resolution, approved December 21, 1839, entitled a joint resolution in relation to contractors and others on the public works;

In which the concurrence of the Senate is respectfully requested.



The joint resolution referred to in said message, was read a first time, and

On motion of Mr. Ewing of Allen, the rules of the Senate were suspended, and the joint resolution read a second and third time and passed.

Mr. Thompson having obtained leave, introduced a bill entitled,

No. 30, a bill to change the time of the commencement of the sessions of the General Assembly.

Mr. Stephenson moved to suspend the rules of the Senate and read the bill a second time now;

Which motion was agreed to and the bill was read a second time.

On motion of Mr. Carnan, the Senate resolved itself into a committee of the whole, Mr. Thompson in the chair, on said bill, and after consideration thereof in said committee, the committee rose, reported the bill and sundry amendments back to the Senate, and asked to be discharged from the further consideration thereof.

And the committee were accordingly discharged.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled joint resolution of the House,

No. 78, entitled a joint resolution supplemental to a joint resolution approved Dec. 21, 1839, entitled a joint resolution in relation to contractors and others on the public works,

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said joint resolution;

And, on motion, the Senate adjourned.

TUESDAY MORNING, DEC. 24.

The Senate assembled.

The journal of the preceding day having been read,

On motion, the Senate adjourned.

THURSDAY MORNING, JAN. 2.

The Senate assembled.

Mr. Dobson presented the petition of Clarissa Hill and John Hudson, praying the passage of a law, permitting the sale of certain real estate;

Which was read and referred to the committee on the judiciary.

Mr. Morgan presented the petition of William McCain and others, relative to the sale of certain public grounds in the town of St. Omer, for the improvement of the streets in said town;

Which was read and referred to a select committee.

Ordered, That said select committee consist of Messrs. Morgan, Cravens and Nickel.

Mr. Mount presented the petition of C. B. Clements and others, citizens of Franklin county, relative to granting further time to borrowers of surplus revenue funds;

Which was read and referred to the committee on the State Bank.

Mr. Cathcart from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred that portion of the Governor's message which referred to "a deranged and ruined currency, a universal prostration of credit and confidence, the deep and unmitigated pecuniary distress, which is now visiting or threatening every class of our late prosperous community," with instructions to inquire into the cause thereof, have according to order had that subject under consideration, and the majority of said committee have directed me to report, that in their opinion it is at present *inexpedient* to inquire into the cause thereof, and ask to be discharged from the further consideration of that subject.

The undersigned, the minority of said committee, would gladly, could a sense of duty permit him, coincide with the opinion of the majority of the committee, by whom as their chairman, he has been instructed to make the foregoing report; but after his having offered the resolution of inquiry, truth, common sense, and a just regard for his own character as a Senator, and as a consistent man, alike forbid it.

He will not therefore shrink from going into an examination of the causes of our present prostrated condition in relation to pecuniary matters as required by the resolution.

His Excellency, Governor Wallace, sensible that a deep and abiding feeling, had spread itself through the land, that there had been mismanagement *somewhere*, has, by a species of subterfuge more becoming a petty court lawyer, than his elevated station, attempted to throw the censure of the present state of affairs upon the last and present ad-



ministrations of the General Government. Thus picking at the mote in his neighbor's eye, while the beam remains in his own.

I would ask, have we not as good a currency now as we had during the existence of the national bank?

Have we not besides the notes of that bank, which Mr. Biddle said was on a more favorable footing under its present than under its former charter, an *increase* of gold coin, equal to the entire circulation of that bank formerly? and this has been the effect of the much abused gold bill, which all admit induced the flow of gold into the United States, and which is evident must cause it to remain with us. We have besides the notes of our state bank, confessedly a good circulation.

I would ask if our present collapsed state (I speak of the country generally) is not a necessary consequence upon our former inflated condition, both consequent upon principles as immutable as the nature of man, and both aggravated by a vicious paper system?

If the state of *our* money market is attributable to the action of the General Government, I will ask how shall we account for the fact, that the monetary affairs of Great Britain, are in a similar situation, when the action of the Government there towards the credit system, has always been and continues *orthodox* with the whig party of America.

Upon the removal of the deposits from the U. S. Bank, that bank having declared it necessary for her to call in her circulation, the State Banks were induced to issue a sufficiency of paper to fill the vacuum about to be caused by that operation, but did we not see that institution afterwards, in the face of her own previous assertion that she must *wind up*, discount most liberally and increase her circulation, and accommodations to a most unparalleled extent.

And here the two systems of banking seemed to vie for the palm of extravagancy.

The national Government were known to be inimical to the one system, and the other, the people of the separate States had under their own control. Then how in candor can we censure the General Government, with the extravagance of either?

The sudden increase of bank paper not only offered facilities to men unaccustomed to mercantile pursuits, to engage therein, but induced men of all classes to drop their lawful callings, and to turn out into the great *Malestrom* of reckless speculation.

Thus the productiveness of the country was not only diminished, but extravagant foreign importations induced; while the same accursed Pandora's box also so raised the price or nominal value of our surplus produce, that it would not bear exportation.

We were going on in this manner, headlong, to our own destruction, when the warning voice of the specie circular was heard, which, comparatively speaking, gently let the wind out of the paper bubble, which if suffered to have expanded to its full size before explosion, would have overwhelmed us in such a scene of disasters as a century would scarce have sufficed to clear up.

The truth is, that as a general thing, we the people of the United States, have been too extravagant—have overbanked, and overdone every thing except overworking ourselves, and hence, the present indebtedness of the country, and would to Heaven, that I could say that this *general depression*, was all that sat lowering upon the fortunes of the people of this State; but such, I grieve, while I say it, is not the case. We have our peculiar *local circumstances*, so much more oppressive to our interests, that it becomes a mere matter of indifference to us whether the comparatively slight cloud of adversity which covers the *Union* generally, be attributable to this or that of the great political parties of the day. Four and a half per cent. stocks of New York have lately sold at 90; and other states also have been making sales of their bonds latterly, which most clearly proves that the *total* failure of Indiana to procure funds must be laid to causes, other than the *general depression* of the money market.

Had Gov. Wallace spoken out boldly, like an honest man, and not like a time-serving politician, trying to trim his wherry to the blast, he would have told us that, *our* present distress was mainly owing to our having undertaken a system of internal improvement, entirely disproportionate to the means of the State—a system adopted without reference to the best interests of the State, but carried through the halls of legislation, by a corrupt and local concatenation of interests—a system which has been sustained by keeping the mass of the people in ignorance as to the "*modus operandi*" thereof, a system in fact conceived in sin, brought forth in iniquity, and, attempted to be sustained by deception.

The system, bad as it was, owing to the natural rivalry, that must have existed between its component parts, when completed was rendered an engine of more immediate destruction, by the carrying out of the views of Governor Wallace and his political friends, by a simultaneous prosecution of the works, their cost was doubled, whilst the people were lulled to rest by the syren song, that though the cost of the works to the State might be much enhanced, that still they would be benefitted by the enhanced price of labor, produce, &c. in a greater ratio. The important fact that the *State* represented their own pockets in this particular, seemed to be overlooked.

Every measure was resorted to, to prevent the people's feeling the first breath of the coming storm, until it was alike ruinous to progress or to recede, with a view that those works particularly *interesting*, to the principal parties concerned in the concoction of the bill of 1836, might be too far advanced to be abandoned.

The premium properly received on the sale of state bonds, instead of being used as capital, has been absorbed as well as a portion of the capital itself in the payment of interest, the party in power knowing full well that if a system of taxation was resorted to, sufficient to defray our interest account, that the people would be immediately brought to reflection upon the subject. Hence Gov. Wallace and his friends studiously avoided such a course, until the day of *discounts* and *not of premiums* came on. Here humbuggery had to halt! The east-



ern nabob would no longer let his money go to a people who could not sustain a tax sufficient to cover the interest upon their liabilities, and here the present revenue bill had its origin, which amount as it is falls far short of meeting the interest on our state bonds.

Our funds had been so flush in the east, until our late disasters, that our merchants were always able to procure eastern drafts upon easy terms. This source now being cut off, accounts in some degree for our local "derangement of the currency."

We find that instead of being able to procure funds upon the sale of state bonds as heretofore, that our commissioners after having sold bonds upon such terms that more than a quarter of a million is lost in discounts have suffered themselves to be fooled out of nearly three millions, which if we do not eventually lose in toto, at least we lose the use of it now, when we want it most.

A portion of the above amount was intended for the increase of the capital of our state bank, in which object we have also failed, while the bonds of Indiana have passed into the hands of a company of English Jews, (the Rothschilds) who tauntingly tell us, that if we do not pay up the interest more punctually, that the bonds will be exposed to public sale at any sacrifice. Indiana has been drained of her specie to pay the interest on these bonds, though we have received nothing from the sale thereof.

The state has besides crippled the usefulness of the branches of the State Bank, by borrowing largely from them, thus of course, curtailing their private discount list—and last not least, our contractors on the public works are bleeding at every pore, for the million which the state owes them, and one cent of which we cannot pay, though we have more than double that owing to us from eastern corporations, out of which they have duped our fund commissioners, and which bonds we are well aware are now hypothecated in London by that adjunct of the the Bank of the United States, the Morris Canal and Banking Company.

Our depressed financial condition in short has been produced by our unwise system of internal improvement, by our more unwise manner of prosecuting it, and by the most unwise course pursued by our fund commissioners in trusting our state bonds to so large an amount in the hands of irresponsible and swindling corporations, and not as modestly suggested by Gov. Wallace is it owing to the measures of Andrew Jackson or Martin Van Buren.

That man truly must have a most enviable stock of self-assurance, and a most exalted opinion of the intelligence of his fellow-citizens, who can flatter himself after having been almost the prime mover in this scheme of mischief, that he can not only induce them to hold him guiltless, but to cast the censure upon the innocent.

All which is respectfully submitted,

CH. W. CATHCART.

Mr. Nave moved to re-commit said report to the same select committee to whom the subject was originally referred.

Mr. Watts moved to amend said motion by adding Mr. Dobson to said committee.

Mr. Kennedy moved to amend said amendment by adding "and that 500 copies of said report be printed."

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Berry, Brady, Carr, Cathcart, Dobson, Finch, Green, Hackett, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watt and Wright—18.

*Those who voted in the negative were,*

Messrs. Angle, Beard of M., Blair, Bowen, Carnan, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts and Williams—18.

And the President voted in the negative.

So said amendment to the amendment did not prevail.

And on motion,

The Senate adjourned.

2 o'clock P. M.

The Senate assembled.

The President laid before the Senate the following communication from the Treasurer of State:

TREASURER'S OFFICE,  
Indianapolis, Dec. 24th, 1839.

HON. DAVID HILLIS,  
*President of the Senate,*

Sir—In reply to a resolution of the Senate of the 22d inst. "that the Treasurer of State be requested to inform the Senate in what manner the Commissioners of the College and Saline fund perform their duty as such Commissioners, and whether if the offices of said Commissioners were made to depend on election by the Legislature for a definite term, it would not better secure the safety of said funds and a more prompt attention of said Commissioners to their duty."

The undersigned will state, that by existing law, the Commissioners of the College lands in the counties of Monroe and Gibson, hold their office without limitation of tenure.

This is also the case with the Commissioners of the Saline lands. Some of the Commissioners thus holding office, have been extremely negligent and remiss in making their reports and in making their pay-



ments into the Treasury, of the moneys received by them on account of sales of the lands under their charge.

It has been in vain that the undersigned has urged and remonstrated with the delinquent Commissioner in relation to his neglect. The undersigned has also been requested by the securities in these cases to be released from their bonds, as they were unwilling to be longer bound for their principal, but as no relief could be granted but by the General Assembly, the securities will still continue bound without limitation of time, unless provision be made by law for their relief.

I have no doubt but a change of the law, so as to make the office depend on a periodical election by joint vote of the Legislature, or appointment by the Governor would tend greatly to a prompt and vigilant discharge of duty.

It would at least, open the way for the discharge of a negligent and inefficient officer; while the Legislature or other appointing power would most certainly retain those that were faithful and trustworthy.

I have no hesitation therefore, in advancing the opinion that the change suggested would have a most salutary effect upon this branch of the public service.

The undersigned would remark that as the transactions in relation to the Saline lands have become small and mostly near being wound up, there will be less necessity for a change in the appointment of those Commissioners; more especially as those now in office have in the general, promptly paid their receipts into the Treasury.

Very respectfully,

Your obedient servant,

N. B. PALMER,

*Treasurer of State.*

On motion of Mr. Bowen, said communication was referred to the committee on education.

The President laid before the Senate the following communication from the Treasurer of State.

HON. DAVID HILLIS,  
*President of the Senate:*

The undersigned herewith communicates to the Senate, that agreeably to the "joint resolution of the General Assembly of the State of Indiana, relative to the Lawrenceburgh and Indianapolis Rail-road, approved 15th February, 1839:

The said company did on the 8th day of April last, by a resolution of its board of directors, relinquish and surrender its charter to the State of Indiana, upon the terms and conditions of said joint resolution; and that on the 13th day of April, 1839, said company caused to be filed in the office of Treasurer of State, a certified copy of said resolution and order of surrender under its seal and the signature of its President and Secretary.

It is ascertained that in some cases default is made by the mortgagors, (on the bonds and mortgages assigned by that company to the state,) in the payment of the semi-annual interest on these mortgages. By the tenor of these mortgages, the principal becomes due on the failure to pay *promptly* the interest semi-annually as it becomes due.

As the state is bound to pay the interest on the bonds given to that company in exchange for these mortgages, it is important that some provision should be made by law for enforcing the collection of the mortgage money in all cases of failure promptly to pay the interest as it becomes due.

There is no existing law making it the duty of any officer of the government to commence suit, or superintend the collection of these funds. As the Auditor of Public Accounts is the proper accountant and collecting officer, I respectfully recommend that a law be enacted making it his duty to attend to the collections aforesaid.

A difficulty has arisen in cases analagous to this, which it seems to me important to remedy, not only in anticipation of like occurrences in the collection of these mortgages; but in all others in which the state is interested. Instances have occurred, where the state on foreclosure of a mortgage, and exposing the premises to sale, have only been able to realize about one-third of the mortgage money in consequence of no greater bid being offered.

In most cases where it becomes necessary to enforce collection by sale of mortgaged premises, the mortgagor is insolvent, and if the property be suffered to go for a less sum than that due, the balance will be a total loss to the state.

As a guard against losses of this kind, I respectfully suggest the propriety of providing by law, that on sale of mortgaged premises, where the state is a party, that if no bid shall be offered equal to the debt, damages, interest and costs, it shall be the duty of the officer having charge of the collection of the debt, to bid in the same for the state.

Respectfully submitted,

N. B. PALMER,

*Treasurer of State.*

TREASURER'S OFFICE,  
Indianapolis, Dec. 24, 1839.

On motion of Mr. Brady, said communication was referred to the committee on the Canal Fund.

The President laid before the Senate the following communication:

*To the Hon. Senate and House of Representatives  
of the State of Indiana, at Indianapolis convened:*

Gentlemen—In accordance with the act of incorporation, and by order of the Board of Directors of the Leavenworth and Bloomington Rail-road Company, I make the following report: Say some time in December last, contracts were let and the road work commenced;



but owing to the scarcity of money, the difficulty of raising funds, but little work has been done; no estimates made, no money has been paid out, nor any received by the company since the last report to the Hon. Legislature of Indiana.

S. M. LEAVENWORTH,  
*President of Board.*

*Perry County, State of Indiana, Oct.*

Personally appeared before me, the undersigned, a justice of the peace in and for said county, the above named S. W. Leavenworth, being duly sworn says the statement in the above report as it respects the receipts and expenditures of money by the company is correct to the best of his belief and knowledge.

JOHN DANIEL, J. P. [SEAL.]

Dec. 13th, 1839.

Which communication was read and referred to the committee on corporations.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in the amendment of the Senate to bill No. 3 of the House, entitled

An act to change the name of Harvey Slocum of Jefferson county.

Also in the amendments of the Senate to the bill of the House No. 35, entitled

An act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county.

The House have also passed an engrossed bill thereof No. 31, entitled

An act to provide for the election of a justice of the peace in the town of New-London in Daviess county.

No. 56, an act to legalize certain acts of the board doing county business in the county of Dubois, in which the concurrence of the Senate is respectfully requested.

Bill No. 31 in said message was read a first time, and the rules of the Senate suspended and read a second and third times and passed.

Bill No. 56 in said message was read a first time and ordered to a second reading.

The following message was received from the House of Representatives by Mr. Lane, a member.

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House No. 40 entitled

An act for the relief of unpaid contractors on the public works.

In which the concurrence of the Senate is respectfully requested.

The bill No. 40. referred to in said message, was read a first time, and ordered to a second reading.

The Senate then resumed the consideration of the report of the select committee, which was pending at the last adjournment.

On motion of Mr. Cathcart, the report was laid upon the table.

On motion of Mr. Cathcart,

*Resolved*, That the board of fund commissioners be requested to inform the Senate what amount of interest has been paid upon state bonds sold for the prosecution of the Wabash and Erie Canal and the general system of internal improvement during each respective year since the first state bonds were sold, and from what source the funds were derived to pay each year's interest.

And further to report, whether or not the \$1,000,000 of sterling bonds sold to the Morris Canal and Banking Company in 1838, and which are payable in London, will not cost the state both in the payment of interest and principal the difference of exchange between this country and London, over and above the \$1,000,000 principal and interest thereon.

On motion of Mr. Thompson,

*Resolved*, That the fund commissioners be requested to forward to the Senate as soon as practicable a literal copy of so much of the accounts of the board of internal improvement, as compose incidental expenses, upon which the sum of \$26,767 71 were paid (as incidental expenses) to them.

On motion of Mr. Ewing of Allen,

*Resolved*, That the committee upon the State Bank be instructed to inquire into the expediency of setting apart the BANK STOCK of the STATE, including as well the *capital* arising under the charter, as that arising under the 3d and 4th instalment of the SURPLUS REVENUE, and also so much of the SINKING FUND as the commissioners of the sinking fund shall deem *abundantly sufficient* to secure payment to the holders of the loan of \$1,390,000, borrowed by the state for banking purposes under the charter of the bank, when the same shall become due; and of *pledging* such *capital* and *sinking fund* so set apart, to the primary purpose irrevocably of liquidating the said debt at maturity, and guaranteeing the sufficiency thereof by the state; and of therefrom providing that the remainder of the SINKING FUND, whether arising from *loans* paid in, or from the *excess of dividends* on said *bank capital* of the state, over and above paying the interest semi-annually on the said debt for banking purposes, shall be applied from time to time, to the payment of the interest on the debt of the state to the branches of the state bank, and the payment of interest on other bonds of the state as it falls due; thereby providing for paying interest in part, without increased taxation.

2d. To authorize the fund commissioners to settle and adjust the several amounts due said branches of the state bank, by giving them 6 per cent. state bonds, or transferable certificates of stock redeemable after twenty years, and not exceeding thirty years, at the pleasure of the state. And,



3d. That the board of internal improvement be directed to pay all amounts recovered against the state according to law by individuals for damages done their property along the line of the Wabash and Erie Canal, by reason of its construction, out of the first moneys received for interest or principal on account of any of the Wabash and Erie Canal lands, with leave to report by bill or otherwise.

On motion of Mr. Brady,

*Resolved*, That the standing committee on the judiciary be directed to inquire into the expediency of providing by law for the election of a prosecuting attorney in each county in this state, by the qualified voters thereof.

On motion of Mr. Wright,

*Resolved*, That a select committee of one from each judicial circuit be appointed to enquire into the expediency of reporting a bill on the subject of internal improvement as follows, to-wit:

1st. That hereafter the great principle of carrying on the system of internal improvement shall be by *individual enterprize*.

2d. That provision shall be made for carrying on the further prosecution of the public works by offering the further prosecution of the same to companies.

3d. That if companies cannot be engaged to undertake the prosecution of the public works, in the situation they are now in, that the state should not prosecute the same any further at this time, and in the situation of the resources of the state at present.

*Ordered*, That said select committee consist of Messrs. Wright, Thompson, Tuley, Mount, Tannehill, Carnan, Clark, Kennedy, Ewing of Allen. Chamberlain and Beard of M.

On motion of Mr. Ewing of Allen,

*Resolved*, That the President of the State Bank, or the Fund Commissioners, report to the Senate, whether any part of the provisions of an act entitled "an act providing for the increase of the stock in the State Bank," authorizing a loan of one and a half million dollars for the year 1839 for that purpose, has been carried into effect; and to transmit copies of any contracts made, and of any acknowledgments of indebtedness, State bonds, transferable certificates of stock, or any other matters of this character, pretending to be on account of the State of Indiana, and if copies can not be had, then a description thereof, to wit: dates, amounts, numbers, to whom made payable and sold, and all other matters that may identify said contract and give its substance, and of the aforesaid State bonds or transferrable certificates of stock.

Mr. Nave offered for adoption the following resolution:

*Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of reporting a bill authorizing the Fund Commissioners to contract a loan with the State Bank to the amount of one million five hundred thousand dollars, at a rate of interest not to exceed six per centum per annum for the purpose of paying off the contractors and hands for work heretofore by them done upon the

public works and not paid for by the state, and for that purpose to hypothecate to the State Bank all the funds now due said State for bonds heretofore sold and for which she has not received the proceeds thereof, and further to enquire into the expediency of authorizing the State Bank and further to inquire into the expediency of authorizing the State Bank to issue one million and a half of dollars in notes of a less denomination than five dollars for the purpose aforesaid, and redeemable in the same manner as other notes now issued by said banks, and report by bill or otherwise.

Mr. Kennedy moved to amend said resolution by striking out of the same "so much as relates to the issue by the State Bank notes of a denomination less than five dollars,

Mr Stephenson moved to amend said resolution "in such manner as to prevent the issue of bills of a denomination less than one dollar,"

Which amendment was accepted by the mover.

The question recurring on Mr. Kennedy's amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Berry, Brady, Carr, Cathcart, Cravens, Dobson, Elliott, Finch, Green, Hackett, Kennedy, Kinzer, Lowe, Morgan, Mount, Nickel, Smiley, Tannehill, Thompson, Tuley, Watts, and Wright—22.

*Those who voted in the negative were,*

Messrs. Angle, Beard of M., Blair, Bowen, Carnan, Clark, Ewing of Allen, Herriott, Moffatt, Nave, Riley, Smith, Stafford, Stephenson, Watt, and Williams—16.

So said amendment was adopted.

On motion of Mr. Nave, the resolution as amended was laid upon the table.

Mr. Wright offered for adoption the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill, providing by law, that hereafter, when the Governor of the State shall remit any fines, forfeitures, penalties or judgments; that monthly statements of the same shall be published in some public newspaper at Indianapolis, stating the amount remitted, the nature of the offence, and the county where the offence was committed.

Mr. Bowen moved to amend by adding the following:

"And that a select committee be appointed to investigate the conduct of the Governor, in the remission of fines;"

Which amendment did not prevail—no quorum being present.

Mr. Elliott, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed joint resolution,



No. 78, "a joint resolution supplemental to a joint resolution approved December 21, 1839, entitled, a joint resolution in relation to contractors and others on the public works,"

And find the same truly enrolled.

Mr. Elliott from the committee on enrolled bills, made the following report:

Mr. President—

The joint committee on enrolled bills now report, that they did this day present to His Excellency the Governor for his approval and signature, a joint resolution which originated in the House of Representatives,

No. —, "A joint resolution in relation to the claim of the State for the lands to complete the Wabash and Erie canal; also

No. —, a joint resolution supplemental to a joint resolution approved December 21st, 1839, entitled "a joint resolution in relation to contractors and others on the public works.

And, on motion, the Senate adjourned.

#### FRIDAY MORNING, JAN. 3, 1840.

The Senate assembled.

Mr. Berry presented the petition of Julia Ann Adams, praying to be divorced from her husband, John W. Adams, which was read and referred to a select committee.

Ordered, That said committee consist of Messrs. Berry, Finch, and Smith.

Mr. Ewing of Allen presented the petition of Edwin C. Frost and others, citizens of Allen county, praying an extension of the time of stay on executions over fifty dollars to one year, which was read and referred to the judiciary committee.

Mr. Chamberlain presented the petition of Amos Davis and others, citizens of Elkhart, Noble and Lagrange counties, on the subject of a state road, which was read and referred to the committee on roads.

Mr. Chamberlain also presented the petition of William K. Beck and others, citizens of Elkhart county, praying the passage of a valuation law, which was read and referred to the committee on the judiciary.

Mr. Brady from a select committee made the following report.

Mr. President—

The select committee to whom a resolution on the subject of equalizing the several judicial circuits, and a petition of sundry citizens of

the 3d judicial circuit praying an increase of circuits, likewise an engrossed bill of the House No. 12, entitled a bill to change the time of holding courts in the 11th judicial circuit were referred, have accordingly to order had the same under consideration, and have made one amendment thereto, to-wit: by striking out said bill from the enacting clause, and substituting a new bill which I am directed to ask the concurrence of the Senate.

The bill No. 12, referred to in said report, was read a first time, and on motion of Mr. Lowe, laid upon the table.

The Senate then resumed the consideration of the resolution offered by Mr. Wright, which was pending at the last adjournment.

On motion of Mr. Finch, said resolution and pending amendment was laid upon the table.

On motion of Mr. Mount,

*Resolved*, That the committee on public buildings be directed to inquire into the expediency of causing water to be conducted to the capitol from the upper level of the canal, by means of a subterraneous passage for the preservation thereof, in case of accident by fire.

On motion of Mr. Herriott,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law that when any person shall voluntarily appear before a grand jury with a view to procure an indictment against any person or persons, and when on the final hearing and determination of such prosecution, the court shall be satisfied that the prosecution was commenced through malice or without reasonable grounds for the same, the court shall render judgment against the prosecuting witness for the amount of costs necessary in said prosecution.

Mr. Brady offered for adoption the following resolution:

*Resolved*, That the Senate will on Saturday next, at 2 o'clock, P. M., the House of Representatives concurring therein, proceed to the election of two directors of the State Bank, one to fill the vacancy occasioned by the resignation of Mr. L. H. Scott, and the other to fill the vacancy of Mr. A. Worth, whose term of service will expire during the present session of the General Assembly,

On motion of Mr. Thompson, said resolution was laid upon the table.

Mr. Ewing of Allen offered for adoption the following resolution:

*Resolved*, That the committee upon the judiciary be instructed to inquire whether the tax imposed on the Wabash and Erie Canal lands and the improvements thereon, is not illegal; the legal title thereto being yet in the state; and also whether it is not illegal to tax lands obtained through Indian treaties as grants or reserves, until not only five years after the treaty, but five years *after* they have been selected and designated by metes and bounds, and set apart by the government of the United States as the land of the reservee or grantee, or their assignees thereto, and the fee simple vested in him or them.

On motion of Mr. Angle, said resolution was laid upon the table.

On motion of Mr. Thompson,



*Resolved*, That the committee on elections be instructed to inquire into the propriety of imposing a heavy penalty for the crime of swindling electors, especially those who cannot read, out of their votes, by palming upon them tickets different from such as are desired by voters; also of imposing a severe penalty upon inspectors and judges of elections who corruptly attempt, by persuasion or otherwise, to influence men proposing to hand in their tickets, to vote differently from what they intended.

Mr. Baird of St. Joseph, having obtained leave introduced a bill, entitled

No. 35, "a bill to prohibit the amalgamation of whites and blacks.

Which was read a first time.

Mr. Bowen moved to suspend the rules of the Senate and read the bill a second time now, which was decided in the negative.

And the bill was ordered to a second reading.

Mr. Mount gave notice that he would on to-morrow move the adoption of the following resolution:

*Resolved*, That it be hereafter adopted as one of the standing rules of the Senate, that no resolution be entitled to the consideration of any of the standing committees thereof, unless accompanied by a bill conformable to its spirit and meaning.

On motion of Mr. Nave,

*Resolved*, That the judiciary committee be requested to inquire into the expediency of so amending the 6th section of an act relative to crime and punishment, (approved February 10th, 1831,) as to exempt all male persons hereafter convicted of either of the crimes of grand or petit larceny, who shall be under the age of twenty-one years, at the time of their conviction, from disfranchisement or holding any office of trust or profit during life or for any intermediate period of time; also to amend the same so as to draw the distinction between males and females in reference to their being disfranchised and rendered incapable of holding any office of trust or profit, during life, and report by bill or otherwise.

Mr. Kennedy from the committee on the Canal Fund, made a report relative to the transactions in state bonds, accompanied by a communication from L. H. Scott, Esq., one of the Fund Commissioners, in reply to interrogatories of said committee, also accompanied by two bills, viz:

No. 36, a bill for the relief of contractors on the public works and for other purposes.

Said bill, No. 36, was read a first time.

Mr. Kennedy moved to suspend the rules of the Senate and read the bill a second time now;

Which motion did not prevail.

On motion of Mr. Wright, 100 copies of the same were ordered to be printed.

And the bill was ordered to a second reading.

The other bill referred to in said report, entitled,

No. 37, a bill to provide for the appointment of a special agent and for other purposes;

Was read a first time and ordered to a second reading.

On motion of Mr. Chamberlain, 100 copies of said bill were ordered to be printed.

On motion of Mr. Dobson, 500 copies of the documents accompanying said report, and 100 copies of the report were ordered to be printed.

Mr. Ewing of Allen from the same committee made a counter report;

Mr. Dobson moved that \_\_\_\_\_ copies of said counter report be printed.

Mr. Bowen moved to fill said blank with the number 500;

Which motion did not prevail.

On motion of Mr. Finch, said blank was filled with the number 100, and,

Mr. Dobson's motion decided in the affirmative;

And 100 copies of said counter report were ordered to be printed.

Mr. Bowen introduced a bill entitled,

No. 38, a bill amendatory to an act entitled an act to regulate prisons and prison bounds, approved Feb. 17, 1838;

Which was read a first time and ordered to a second reading.

Mr. Tuley introduced a bill entitled,

No. 39, a bill to amend an act for the incorporation of county libraries, approved Feb. 19, 1838;

Which was read a first time, and the rules of the Senate having been suspended, ordered to a second reading and referred to the committee on corporations.

Mr. Angle introduced a bill entitled,

No. 40, a bill to establish a state road therein named;

Which was read a first time and ordered to a second reading.

Mr. Nave introduced a bill entitled,

No. 41, a bill for the relief of Marion county;

Which was read and ordered to a second reading.

Mr. Riley introduced a bill entitled,

No. 42, a bill to incorporate the Orange Guards;

Which was read a first time, and the rules of the Senate having been suspended, read a second time and referred to the committee on corporations.

Mr. Mount introduced a bill entitled,

No. 43, a bill exempting lands from taxation rendered useless to the owners in consequence of the public works passing through the same; Which was read and ordered to a second reading.

Mr. Tuley introduced a bill entitled,

No. 44, a bill to amend an act entitled an act to incorporate the City of New Albany, and to repeal all laws now in force incorporating the town of New Albany, approved Feb. 14, 1839;

Which was read and ordered to a second reading;

And on motion,

The Senate adjourned.



2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from the Treasurer of State:

TREASURER'S OFFICE,  
Indianapolis, Dec. 30th, 1839.

HON. DAVID HILLIS,  
*President of the Senate,*

Agreeably to the requirements of the act of 8th February, 1836, concerning the state house, the undersigned submits the following bill of payments on account of the state house, and expenses incident to the session of the General Assembly.

It is my duty again to call the attention of the General Assembly to the propriety of authorising an insurance of the state house against loss by fire. There is not at this time, any law authorizing its insurance, and if the General Assembly shall deem it advisable to effect an insurance of the building, or any portion of its value, against loss by fire, a law to that effect will be necessary.

I beg again to submit the propriety of authorising a change in the manner of heating the halls, so as to be effectual through the agency of rarified air.

I again submit the following considerations as some of the advantages which it is believed will result from the change.

1st. It will avoid the annoyance of smoke and dust, and the noise and disturbance attendant on keeping up the fires as now practiced.

2d. It will be economy in saving fuel, attendants, &c.

3d. It will be much safer on account of fire, as fire will only be necessary in the furnaces at the air chambers, and those should be fire proof.

The cost of the necessary preparations for heating the two halls will be about \$800, according to the best data I have been able to obtain.

The carpeting in the Representative Hall will require to be renewed, a law authorizing it will be necessary.

The original vouchers for the several payments will be submitted to the proper committee, a schedule of which is hereunto annexed.

All of which is respectfully submitted.

N. B. PALMER,  
*Treasurer of State.*

The payments on account of state house during the financial year of 1839, are as follows, viz:

|       |  |         |
|-------|--|---------|
| No. 1 | W. Y. Wiley for stationery                             | \$41 45 |
| 2     | J. Fislar, making window curtains                      | 50      |
| 3     | M. H. Cropper, putting up window hooks                 | 75      |
| 4     | J. H. B. Nowland, cloth for curtains                   | 3 75    |
| 5     | J. I. Stretcher, chairs and settees for 1838           | 72 25   |
| 6     | Espy & Sloan, furniture, &c.                           | 35 12   |
| 7     | Morrison & Talbott, pitchers and tumblers, &c.         | 17 75   |
| 8     | Harrison & Porter, locks, &c.                          | 9 62    |
| 9     | H. Griffith, buckets, &c.                              | 16 63   |
| 10    | M. R. Payne, 2 cases                                   | 50 00   |
| 11    | J. A. Levi, stays for hand-railing, &c.                | 7 25    |
| 12    | Porter & Maguire, stationery                           | 2 00    |
| 13    | J. Jamison, sundry articles furnished General Assembly | 126 69  |
| 14    | J. L. Mothershead, for a thermometer                   | 3 00    |
| 15    | Seibert & Buehler, sundry articles                     | 52 00   |
| 16    | S. Stodgehill for laying pavement                      | 8 00    |
| 17    | Scudder & Hannaman, stationery                         | 10 25   |
| 18    | R. & V. C. Hanna, sand boxes                           | 3 00    |
| 19    | H. P. Todd, repairing pump                             | 1 00    |
| 20    | G. N. Holland, 2 mallets                               | 1 00    |
| 21    | S. A. Fletcher, for brooms, &c.                        | 4 80    |
| 22    | Young & Pottage, sand boxes, &c.                       | 7 87    |
| 23    | J. Doty, cleaning state house square                   | 1 50    |
| 24    | C. & J. Cox, buckets, &c.                              | 5 37    |
| 25    | Foster & Depew, Pitchers &c.                           | 2 25    |
| 26    | J. Hatten, cleaning State House                        | 2 50    |
| 27    | C. Martin, for Twine                                   | 2 43    |
| 28    | W. Langsdale for Brooms                                | 2 00    |
| 29    | S. Hall, for Paving Brick                              | 22 14   |
| 30    | I. Kunkle for Curbing Timber                           | 5 00    |
| 31    | Greer & Palmer for Paving Brick                        | 73 50   |
| 32    | J. Griswold, Curbing                                   | 2 25    |
| 33    | J. Parker, cleaning State House                        | 5 00    |
| 34    | S. Hall, laying pavement                               | 23 32   |
| 35    | R. West, putting down curbing                          | 7 50    |
| 36    | J. Miller, hauling sand                                | 75      |
| 37    | L. W. Vance, for stove                                 | 31 55   |
| 38    | J. Folk, for brick                                     | 7 00    |
| 39    | H. Burkhart, walling up well                           | 4 75    |
| 40    | A. Locklear, cleaning State House                      | 16 00   |
| 41    | Rooker & Norwood, Painting, &c.                        | 84 75   |
| 42    | H. P. Todd, repairing pump                             | 3 25    |
| 43    | J. N. Ally, for brooms                                 | 2 40    |
| 44    | M. Shia, cleaning off pavement                         | 1 75    |
| 45    | J. J. Stretcher, chairs and settees                    | 120 75  |



|                                |       |
|--------------------------------|-------|
| 46 Incidental payments         | 16 48 |
| 47 J. F. Ramsey, for furniture | 32 50 |
| 48 M. Vanblaricum for sand     | 50    |

On motion of Mr. Brady, so much of said communication as relates to the State House, was referred to the committee on public buildings, and the residue thereof laid upon the table.

Mr. Dobson moved that the Senate now take up the orders of the day;

Which motion did not prevail.

Mr. Mount introduced a bill entitled,

No. 45, a bill to repeal part of the 38th section of an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, which was read and ordered to a second reading.

Mr. Tannehill introduced a bill entitled

No. 46, a bill to incorporate the Bartholomew Silk Company,

Which was read a first time, and the rules of the Senate having been suspended, read a second time, and referred to the committee on corporations.

Mr. Mount introduced a bill entitled,

No. 47, a bill to amend the 2d section of an act entitled, an act pointing out the mode of levying taxes, and fixing the per centum for State purposes, approved February 15, 1839;

Which was read a first time and ordered to a second reading.

Mr. Mount introduced a bill, entitled.

No. 48, a bill to amend an act defining the duties of county treasurers, collectors, &c., approved February 18, 1839;

Which was read a first time and ordered to a second reading.

The following message was received from the House of Representatives, by Mr. Harris, their clerk.

Mr. PRESIDENT—

The House of Representatives have passed an engrossed joint resolution and bills thereof, as follows, to wit:

No. 5, a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the repeal of the duty on salt,

No. 7, an act providing for an uniform mode of ascertaining by weight the quantity of grain that shall pass for a standard bushel in this State,

No. 9, an act to charter the Evansville Rifle Rangers,

No. 18, an act to regulate the jurisdiction of justices of the peace in Green county,

No. 33, An act legalizing the acts and proceedings of the trustees of school district township No. six, north of range No. nine west, in Sullivan county, in relation to the town of Edwardsport,

No. 34, an act to vacate the town of Bath,

No. 38, An act to authorize the election of a justice of the peace and constable in the town of Fredericksburgh in the county of Washington.

No. 39, an act to amend an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838,

No. 41, an act to amend an act entitled an act to attach one-fourth of township No. 30, north range 4 east, to the county of Fulton,

No. 42, an act to amend an act entitled "an act fixing the times of holding courts in the fourth judicial circuit,

No. 43, An act to amend an act entitled "an act organizing the supreme court and defining its powers and duties," approved February 17, 1838,

No. 46, an act to regulate the jurisdiction of justices of the peace in Grant county,

No. 47, An act to vacate the town of Economy in Gibson county.

No. 53, an act for the relief of Julia Sims,

No. 54, an act to repeal a part of an act entitled, an act concerning Knox county.

No. 57, an act supplemental to an act entitled an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting-houses, or masonic lodges, approved February 10, 1831,

No. 59, an act for the relief of the collector of St. Joseph county,

No. 62, an act to amend an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838,

No. 71, an act to amend an act entitled an act to incorporate the New Harmony Working Mens' Institute for mutual instruction,

In which the concurrence of the Senate is respectfully requested.

The joint resolution No. 5, contained in said message was read a first time.

Mr. Dobson moved that the rules of the Senate be suspended and the joint resolution read a second time now;

Which motion did not prevail.

Bills numbers 7, 9, 18, 33, 34, 39, 41, 42, 43, 46, 47, 54, 57, 62 and 71 were severally read a first time and ordered to a second reading.

Bill number 38, was read a first time, and

On motion of Mr. Hackett, the rules of the Senate were suspended, the bill read a second time, and referred to a select committee.

Ordered, That Messrs. Hackett, Tuly, and Clark, constitute said committee.

Bill number 53 was read a first time, and on motion of Mr. Carnan, the rules of the Senate were suspended, the bill read a second time, and

On motion of Mr. Angle, referred to the committee on the judiciary.

Bill number 59 was read a first time, and

On motion of Mr. Baird of St. Joseph, the rules of the Senate were suspended, and the bill read a second and third times and passed.

On motion of Mr. Elliott, the Senate took from the table the bill No. 22, to provide for the election of Fund Commissioners, by a separate viva voce vote of each house of the General Assembly.



On motion of Mr. Kennedy, the Senate resolved itself into a committee of the whole on said bill, Mr. Brady in the Chair, and after some time spent therein the committee rose, reported the bill with an amendment, and asked the concurrence of the Senate, and

On motion, the Senate adjourned.

### SATURDAY MORNING, JAN. 4.

The Senate assembled.

Mr. Watts presented the petition of Mr. S. Rush, asking the State of Indiana to relinquish certain escheats in Dearborn county; which was read and referred to the committee on the judiciary.

Mr. Dobson, from the committee on ways and means, made the following report:

Mr. PRESIDENT—

The committee of ways and means to whom was referred a resolution directing an enquiry into the expediency of authorizing the treasurer to issue treasury notes to pay contractors &c., have had the same under consideration, and have directed me to report the following bill:

No. 49, a bill for the relief of contractors, which was read a first time.

On motion of Mr. Stafford the rules of the Senate were suspended, and the bill read a second time now.

On motion of Mr. Brady, 100 copies of said bill were ordered to be printed:

Mr. Chamberlain from the judiciary committee made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a resolution directing an inquiry into the expediency of repealing so much of an act entitled an act pointing out the mode of levying taxes and fixing the per centum for State purposes, as imposes a tax upon improvements made on lands before the expiration of the term of five years from the day of sale by Congress, have had that subject under consideration, and have authorized me to report a bill.

The bill No. 50, referred to in said report, was read a first time and ordered to a second reading.

Mr. Kennedy, from the committee on the judiciary, made the following report:

Mr. PRESIDENT—

The committee on the judiciary to whom was referred a resolution of the Senate directing an inquiry into the expediency of provid-

ing by law that hereafter, every person in this State who may vote at the April elections, be required to endorse on his ticket, whether he is for or against the retailing of ardent spirits, and accordingly as the majority should be in each township, so shall the Boards doing county business be governed in granting or withholding licence for retailing in such townships, have had the same under consideration, and a majority thereof have directed me to report the following bill, and recommend its passage:

The bill No. 50, entitled a bill relating to tipping houses, was read a first time and ordered to a second reading.

Mr. Kennedy, from the committee on the judiciary, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the petition of sundry citizens of Jay county, in relation to their country boundary, have had the same under consideration and have directed me to report the following bill, and ask to be discharged from the further consideration of the subject.

The bill No. 52, entitled a bill defining the boundaries of Jay county, was read a first time and ordered to a second reading.

Mr. Thompson from the judiciary committee, made the the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate instructing an inquiry into the expediency of authorizing circuit courts to recall grand jurors at any time during the term for which they were summoned, have instructed me to report the following bill:

The bill No. 53, entitled a bill to amend the act regulating the summoning and empanneling grand and petit jurors, was read a first time and ordered to a second reading.

Mr. Thompson from the judiciary committee, also made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate instructing an inquiry into the expediency of repealing so much of the first section of an act entitled an act regulating the admission and practice of attorneys and counsellors at law, approved January 31st, 1835, as gives the power of licensing attorneys and counsellors at law to two circuit judges, have instructed me to report that it is inexpedient to repeal, as is proposed by the resolution, and ask to be discharged from the further consideration of the subject,

And said report was concurred in and the committee discharged from the further consideration of the subject.



Mr. Brady, from the committee on the affairs of the town of Indianapolis, made the following report:

Mr. PRESIDENT:

The committee on the affairs of the town of Indianapolis to whom was referred an engrossed bill of the House of Representatives of the last session, No. 318, entitled an act for the relief of persons who made improvements on the donation lands previous to their selection for a seat of government, have according to order had the same under consideration and have directed me to report it back to the Senate and recommend its passage.

Said bill was read a first time, and

Mr. Thompson moved that the bill be rejected.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Baird of St. Joseph, Berry, Carnan, Chamberlain, Cravens, Finch, Green, Kennedy, Kinzer, Lowe, Morgan, Mount, Riley, Smiley, Smith, Stephenson, Tannehill, Thompson, Tuley, Watt and Wright—22.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Beard of M., Bell, Blair, Bowen, Brady, Carr, Clark, Dobson, Elliott, Hackett, Nave, Nickel, Watts and Williams—17.  
So said bill was rejected.

Mr. Hackett from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to which was referred the engrossed bill of the House of Representatives, No. 38, entitled, a bill to authorize the election of a justice of the peace and constable in the town of Fredericksburgh in the county of Washington, have, according to order had the same under consideration, and instructed me to report the same back without amendment.

Said bill was then read a third time and passed.

On motion of Mr. Chamberlain the Senate took from the table a communication from Aaron H. Palmer, on the subject of rail road iron, and the same was referred to the committee on the canal fund.

Mr. Thompson from the judiciary committee to whom the bill for the relief of Julia Sims had been referred, reported the same back to the Senate without amendment.

Said bill was then read a third time and passed.

On motion of Mr. Chamberlain,

*Resolved*, That the committee on the canal fund be instructed to inquire into the propriety of longer continuing the employment of the

American and foreign agency, referred to in the documents referred to that committee, and to report such other facts connected with such agency as may be necessary for the information of the Senate.

Mr. Dobson gave notice, that on to-morrow he would move the adoption of the following resolution, as an amendment to the rules of the Senate.

*Resolved*, That hereafter, during the present session, we will take up the orders of the day each day at 2 o'clock.

And on motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Angle,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of authorizing by law state and county boards of equalization for the purpose of fixing an equitable valuation of real property throughout the state, with leave to report by bill or otherwise.

Mr. Beard of M. offered for adoption the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire if any, and what amendments are necessary to the laws exempting property from execution, with a view to ascertain with greater certainty the property so exempt, with leave to report by bill or otherwise.

Mr. Thompson moved to amend said resolution by adding the following:

And further to inquire into the propriety of repealing the law exempting one hundred dollars worth of property from execution.

Which amendment was adopted.

And the resolution as amended was adopted.

On motion of Mr. Hackett,

*Resolved*, That the judiciary committee be instructed to inquire whether any alteration is necessary in the 33d section of the act relative to crime and punishment, approved February 10th, 1831, and if any, what, and that said committee report by bill or otherwise.

On motion of Mr. Ewing of Allen, the Senate took up bill No. 14, relative to paying contractors and laborers on the public works, and 100 copies thereof were ordered to be printed. and the bill laid upon the table.

Mr. Mount moved that the Senate now proceed to consider the resolution relative to a change in the standing rules of the Senate, according to notice by him given on yesterday.

Which motion prevailed, and the resolution was taken up.

On motion of Mr. Dobson, said resolution was laid upon the table.

The Senate then took up the bill No. 22, relative to the reorganiz-



ing the board of fund commissioners, which was pending at the last adjournment.

Mr. Ewing of Allen moved to recommit said bill to the committee on canals and internal improvements.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Brady, Carnan, Clark, Ewing of Allen, Herriott, Moffatt, Smith, Stafford, and Watt.—17.

*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Carr, Chamberlain, Cravens, Dobson, Elliott, Finch, Green, Hackett, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Stephenson, Tannehill, Thompson, Tuley, Watt, and Wright—25.

So said bill was not so referred.

Mr. Armstrong called for a division of the matter of the amendment, and that the question be first put on striking out the original bill.

And the question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Brady, Carnan, Chamberlain, Clark, Cravens, Dobson, Elliott, Finch, Green, Hackett, Kennedy, Kinzer, Lowe, Morgan, Nickel, Riley, Smiley, Smith, Tannehill, Tuley, Watts, Williams and Wright—25.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carr, Ewing of Allen, Herriott, Moffatt, Mount, Nave, Stafford, Stephenson, Thompson, and Watt—17.

So said original bill was stricken out.

Mr. Armstrong moved to concur in the amendment of the committee, with an amendment as follows:

Strike out of the 6th section of said amendment, and all other parts thereof, so much of the same as authorizes any additional sale of state bonds.

During the pendency of which motion,

On motion, the Senate adjourned.

MONDAY MORNING, JAN. 6.

The Senate assembled.

Mr. Joseph Lane, Senator elect from the counties of Posey, Vanderburgh, and Warrick, appeared, produced his credentials, was sworn into office by the Hon. Isaac Blackford, one of the judges of the supreme court, and took his seat.

Mr. Bowen presented the petition of M. McCall and Nichols & Co. contractors on the public works, relative to the estimates on said works, which was read and referred to a select committee.

*Ordered,* That said select committee consist of Messrs. Bowen, Dobson and Arion.

Mr. Thompson, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred the petition of Clarissa Hill and John Hudson, praying authority to sell a certain lot of ground in the town of Brownstown, Jackson county, as is more fully described in said petition, it having been the property of Jeremiah Hill, deceased, husband of said Clarissa Hill, have after taking the petition into consideration and duly examined the premises, instructed me to report, that the act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 17th, 1838, section 54, and other sections of said act, there is provision made for what seems to be desired in said petition, consequently it is inexpedient to legislate as is prayed for.

Mr. Thompson, from the judiciary committee, also made the following report:

MR. PRESIDENT—

The judiciary committee to whom the petition of Polly Rogers, executrix of Jonathan Rogers, deceased, was referred, praying for the passage of an act authorizing her to sell certain real estate described in said petition, have instructed me to report, that the act to organize probate courts and defining the powers and duties of executors, administrators, and guardians, approved February 17th, 1838, section 29 to 33 inclusive, amply provide for the prayer of the petitioner, and therefore it is inexpedient to legislate on that subject.

Mr. Blair from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of John Vilars, have had the same under consideration and have instructed me to report a bill in accordance with the prayer of the petitioners.



The bill No. 54, entitled a bill to vacate a part of the town of Shepherdstown,

Was read a first time and ordered to a second reading.

On motion of Mr. Cathcart,

*Resolved*, That the Chief Engineer be requested to inform the Senate what the cost of repairs has been upon the rail road between Madison and Vernon during the year last past; also the amount of natural decay upon said road during said time, the wear and tear of Engine or locomotive during said time, &c., cost of superintendence, consequent upon keeping said road in operation during said time.

On motion of Mr. Bowen,

*Resolved*, That a select committee be appointed to inquire into what amount of funds have been paid out by the state for improvements done on the donation previous to its selection as a seat of government, and to whom paid; also to inquire how many persons who made improvements as aforesaid, have not received payment therefor, and to report the result of their inquiry to the Senate.

*Ordered*, That the select committee consist of Messrs. Bowen, Brady and Lowe.

Mr. Angle offered for adoption the following resolution:

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of designating those of our public works which it would be the interest of the state to complete first, if the state during the ensuing year should have the means of further prosecuting any of her public works, with leave to report by bill or otherwise.

Mr. Cravens moved to change the reference of said resolution to a select committee.

Which motion was agreed to by the acceptance thereof by the mover.

Mr. Kennedy moved to amend said resolution by striking out the select committee, and inserting the committee on canals and internal improvements.

The question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Hackett, Herriott, Kennedy, Lowe, Moffatt, Riley, Stafford, Tuley and Watt—20.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Blair, Brady, Carr, Cathcart, Cravens, Finch, Green, Kinzer, Lowe, Morgan, Mount, Nave, Nickel,

Smiley, Smith Stephenson, Tannehill, Thompson, Watts, Williams and Wright—24.

So said select committee was not stricken out.

Mr. Stephenson moved to amend said resolution, by adding the following:

And that in specifying what works shall be carried on, that regard shall be had to those works, which shall yield the greatest amount of revenue to the state, with the least probable cost of construction.

Mr. Berry moved to amend said amendment as follows:

And that said committee consist of one member from each judicial circuit.

And on motion,

The Senate adjourned.

*2 o'clock P. M.*

The Senate assembled.

The Senate resumed the consideration of the amendment to the amendment, which was pending at the last adjournment;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Carnan, Cathcart, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Hackett, Hargrove, Herriott, Kennedy, Lane, Moffatt, Stafford, Stephenson, Tannehill, Tuley, and Watt—23.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Blair, Brady, Carr, Cravens, Green, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Thompson, Watts Williams and Wright—21.

So said amendment to the amendment was agreed to.

Mr. Chamberlain moved further to amend the amendment, by adding the following:

And further inquire into the propriety of authorising those counties immediately interested in the construction of the several works, to construct such works respectively, by the payment of an additional amount of tax, sufficient to pay the interest on state bonds, which may be disposed of, for additional appropriations on such works respectively, and of pledging the several works for the ultimate payment of the amount they may ultimately cost;

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Hackett, Herriott, Kennedy, Lane, Moffatt, Mount, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Watt and Williams—28.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Carr, Cathcart, Cravens, Green, Hargrove, Kinzer, Lowe, Morgan, Nave, Nickel, Thompson, Tuley, Watts and Wright—16.

So said amendment to the amendment prevailed;

And on motion,  
The Senate adjourned.

## TUESDAY MORNING, JAN. 7.

The Senate assembled.

Mr. Tuley presented the petition of Henry W. Smith and others, citizens of Floyd county, relative to the difficulties resulting to steam boats, under the laws authorising them to be attached and delayed until the ensuing terms of circuit courts;

Which was read and referred to the committee on the judiciary.

Mr. Stafford presented the petition of William Townsend and others, relative to disposing of certain school funds, and the liabilities of school township treasurers;

Which was read and referred to the committee on education.

Mr. Ewing of Cass presented the petition of John Hoover and other citizens of Miami county, on the subject of taxing canal lands;

Which was read and referred to a select committee.

Ordered, That Messrs. Ewing of Cass, Chamberlain and Nave constitute said committee.

Mr. Cathcart presented sundry papers relative to the charter of incorporation of Michigan city;

Which were referred to the committee on corporations.

Mr. Lane presented the petition of James M. Johnston and others, citizens of Vanderburgh county, relative to the change of certain parts of the existing school laws;

Which was read and referred to a select committee.

Ordered, That said select committee consist of Messrs. Lane, Hargrove and Lowe.

Mr. Moffatt from the committee on ways and means made the following report:

Mr. PRESIDENT—

The committee of ways and means to whom was referred that part of the Governor's message, which relates to the payment of contractors upon the public works and divers resolutions of the Senate upon the same subject, have instructed me to report the following bill, entitled,

No. 55, a bill for the relief of contractors and laborers on the public works;

Said bill was read a first time;

And Mr. Moffatt moved that the rules of the Senate be suspended and the bill read a second time now, and 100 copies thereof be printed;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Berry, Blair, Bowen, Brady, Carnan, Carr, Clark, Dobson, Ewing of Allen, Herriott, Lane, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Watt and Williams—27.

*Those who voted in the negative were,*

Messrs. Armstrong, Cathcart, Chamberlain, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Thompson, Tuley, Watts and Wright—18.

The rules of the Senate requiring a majority of two-thirds, said motion did not prevail.

On motion of Mr. Kennedy,

Resolved, That the printer of the Senate be instructed to print 100 copies of the bill No. 55, reported from the committee on ways and means by Mr. Moffatt, for the use of the Senate.

Mr. Wright having obtained leave, introduced a bill,

No. 56, entitled a bill fixing the time of holding the probate and commissioners courts in the county of Parke, and for other purposes;

Which was read a first time, and,

On motion of Mr. Wright, the rules of the Senate being suspended, the bill was read a second and third times and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Williams having obtained leave, introduced a bill, entitled,

No. 57, a bill to amend an act entitled an act to incorporate the Richmond and Boston turnpike company, approved Feb. 16, 1839;

Which was read a first time and ordered to a second reading.

The Senate then resumed the consideration of the resolution and amendments pending at its last adjournment.



Mr. Mount moved to amend the pending amendment by adding the following:

That any number of counties contiguous, favorable or to be benefitted thereby, either by completing and extending lateral branches, in the shape of canals, rail or McAdam roads, shall have the privilege of taking upon themselves the burthen of taxation thereby incurred, on condition of having the profits arising therefrom in the shape of tolls, water rents, &c. and being exempted from the burthen of taxation occasioned for the construction of other works, the Wabash and Erie canal proper being exempt from these considerations.

Which amendment to the amendment was agreed to.

Mr. Dobson moved to amend the amendment by adding the following:

And further to inquire into the expediency of exempting the citizens of those portions of the state, whose works are to be postponed or deferred, from participating in the very pleasant operation of disgorging their pockets (by paying taxes) for the purpose of paying interest or principal on bonds sold for internal improvement purposes;

Mr. Chamberlain moved further to amend the amendment by adding the following:

Excepting so far as to pay interest on money which has been expended on such works.

Mr. Moffatt moved that the resolution and pending amendments be laid upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of M., Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Kennedy, Lane, Moffatt, Riley, Tuley and Watt—14.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Bell, Berry, Blair, Bowen, Brady, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watts and Williams—31.

So said motion did not prevail;

And the amendment to the amendment was agreed to.

Mr. Nave moved further to amend said amendment by adding the following:

And by compelling the several counties in which any of the public moneys has heretofore been expended to refund the amount of money levied and collected off the citizens of those counties in which none of the public moneys have been expended. And further inquire into the expediency of exempting from taxation for internal improvement purposes, either to pay the principal borrowed or interest thereon, all

those counties through which no part of the system of internal improvement, as by the bill of 1836, is intended to be prosecuted.

And that such portions of the State as have had the greatest amount of money expended upon their works, shall pay back so much thereof as to place other portions upon an equal and just footing with them, in proportion to the amount expended.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Hackett, Kennedy, Lane, Moffatt, Mount, Stafford, Stephenson, Watt and Wright—18.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Blair, Bowen, Brady, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hargrove, Herriott, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Tannehill, Thompson, Tuley, Watts and Williams—28.

So said amendment as amended was not adopted.

Mr. Watts moved to amend said resolution by adding the following:

And that the committee be required to report a bill to the Senate requiring the Board of public works, to select one or more works, (not exceeding three) and to concentrate the energies of the State on said works the ensuing year, as far as the funds can be obtained from the sale of bonds heretofore sold, or hereafter to be sold, provided the same can be sold at par.

Mr. Bowen moved to strike out of said amendment the words 'one or more works;' which motion did not prevail.

Mr. Thompson moved to strike out of said amendment, the words 'or more,' and the letter 's' after the word works; which motion did not prevail.

Mr. Kennedy moved to strike out of said amendment the words 'energies of the State;' which motion did not prevail.

Mr. Baird of St. Joseph, moved to add to said amendment the following words:

And to do that which shall satisfy on an equitable scale, every part of the State;

Which motion did not prevail, and the amendment was adopted.

Mr. Smith moved to amend the resolution by striking it out from the resolving clause, and inserting the following as a substitute:

That whereas the Governor of the State and the Board of internal improvement have communicated their sentiments to the Legislature in favor of a classification of the public works for future prosecution, and whereas the people by their expressed will made at the polls, have declared the same, therefore

*Resolved,* That a committee of one from each judicial district be appointed to take into consideration the propriety of selecting one or



more works or portions of works to be prosecuted in future, if money can be had for that purpose, and if deemed proper to make such selection under the present circumstance of the State, they shall take as a governing principle, the probable productiveness of such works in proportion to the amount of money necessary to complete the same, and report a bill making suitable provision.

And during the pendency of the question, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

On motion of Mr. Dobson, the resolution and amendments pending at the last adjournment, were laid upon the table.

On motion of Mr. Dobson,

*Resolved*, That when the Senate next adjourns, it will adjourn to meet again on Thursday the 9th inst., at the usual hour.

On motion of Mr. Brady, the resolution and amendments just laid upon the table, were taken up.

Mr. Kennedy moved to amend the substitute offered by Mr. Smith, as follows: strike out after the word prosecution, the words 'after they have discovered that the people would no longer tolerate any other course;' which motion was agreed to.

Mr. Morgan moved to lay the pending amendments upon the table.

Mr. Dobson moved to amend said motion by laying the original resolution on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Kennedy, Lane, Moffatt, Riley, Stafford, Stephenson, Tuley, and Watt—17.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Berry, Blair, Bowen, Brady, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Smith, Tannehill, Thompson, Watts, and Williams—28.

So said resolution was not laid upon the table.

The question recurring upon laying the amendments upon the table, The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Blair, Brady, Carr, Cathcart, Cravens, Ewing of Cass, Green, Herriott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Stephenson, Tannehill, Thompson, and Watts—22.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Finch, Hackett, Hargrove, Kennedy, Lane, Moffatt, Riley, Smith, Stafford, Tuley, Watt and Williams—23.

So said amendments were not laid upon the table.

Mr. Elliott moved to strike out the preamble to the substitute offered by Mr. Smith, which motion was agreed to, and said preamble was stricken out.

Mr. Elliott moved to lay said resolution upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Blair, Bowen, Brady, Carnan, Carr, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Green, Hackett, Hargrove, Herriott, Kennedy, Lane, Lowe, Moffatt, Mount, Nickel, Riley, Smiley, Stafford, Tannehill, Thompson, Watt, and Wright—32.

*Those who voted in the negative were,*

Messrs. Beard of M., Berry, Ewing of Cass, Finch, Kinzer, Morgan, Nave, Smith, Stephenson, Tuley, Watts and Williams—12.

So said resolution was laid upon the table.

Mr. Beard of M. moved further to amend the resolution by adding the following:

That they further inquire into the expediency of adopting means to prevent those works that have been partly completed from going into dilapidation and ruin.

Mr. Clark moved to amend said amendment by adding the following:

And that said committee consist of one member from each judicial circuit.

Which motion prevailed.

And the amendment as amended was adopted.

And the resolution as amended was adopted.

*Ordered*, That said select committee consist of Messrs. Angle, Cravens, Armstrong, Finch, Lowe, Thompson, Blair, Ewing of Allen, Kennedy, Cathcart, and Clark.

Mr. Ewing of Cass presented the petition of sundry contractors upon the public works relative to compensation due them, which was read, and on motion of Mr. Ewing, laid upon the table.

On motion of Mr. Stephenson,

*Resolved*, That the committee on education be instructed to enquire into the expediency of electing the agents to loan the surplus revenue in the several counties by the boards doing county business, with leave to report by bill or otherwise.



On motion of Mr. Bowen,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of providing by law, for the security of creditors to contractors, who have paid laborers and furnished materials to contractors on account of the public works, and any contractor who may be indebted to a greater amount than is due him from the state, in such a case, the board of internal improvement to furnish the evidence of indebtedness to such, after a dividend shall have been made.

This to be done by said board at the time certificates are made under a law passed at this session.

On motion of Mr. Finley,

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency of reducing the board of public works to one commissioner; and that they inquire whether or not it would be expedient to continue in office three commissioners; and if so, that they be allowed a per diem allowance, only while actually employed in that service.

*Resolved further*, That said committee inquire into the expediency of a per diem allowance to our chief engineer, for the time he may be actually engaged in the service of the state.

*And further*, That the committee inquire into the expediency of dispensing with a corps of engineers for the present, with leave &c.

On motion of Mr. Williams,

Whereas, the law of this state defining the duties of county surveyors requires that in all division lines which may be run to divide any of the lands sold by the United States, shall be made agreeably to the laws of the United States, and whereas said law cannot be obtained by said county surveyors, without much inconvenience, therefore

*Resolved*, That the committee on the judiciary be directed to consider the propriety of reporting a bill providing for furnishing the county surveyors of each county with a copy of so much of said law of the United States as relates to the subject.

On motion of Mr. Brady,

*Resolved*, That the committee on ways and means be directed to inquire into the expediency of adopting the Ohio mode of assessing and collecting the state and county revenue as far as the same may be applicable to the situation and condition of this state.

Mr. Nave offered for adoption the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of passing a law giving a stay of execution (of twelve months to all judgment debtors) on judgments hereafter taken in any of the courts in this state, either of record or not of record by giving good and sufficient replevy bail, and report by bill or otherwise.

And said resolution was not adopted.

The President laid before the Senate the annual report from the alem Savings Institution, which was read, and

On motion of Mr. Beard of M., referred to the committee on corporations.

And on motion, the Senate adjourned.

THURSDAY MORNING, JAN. 9, 1840.

The Senate assembled.

Mr. Tuley presented the petition of John Brown and others, relative to the limits of the town of New-Albany, which was read and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Tuley, Armstrong, and Kinzer.

Mr. Lowe presented the remonstrance of John Wood and others, citizens of Rush and Shelby counties, against a change of a certain state road, which was read and referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Lowe, Watt, Morgan, and Nickel.

Mr. Wright presented the petition of Benjamin C. Fuller and other citizens of Parke county relative to a change in the time of selling certain school lands in said county, which was read and referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Wright, Bowen, and Berry.

Mr. Thompson presented the petition of Noah Lathem and other citizens of Crawford county, relative to a state road therein named, which was read and referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Thompson, Angle, and Beard of M.

Messrs. Arion, from the committee on the State Bank, made the following report:

MR. PRESIDENT—

The committee on the State Bank, to whom was referred the petition of C. B. Clements and others, relative to the extension of the time for the payment of the surplus revenue, and a resolution of the Senate on the same subject, have had the subject matter thereof under consideration, and directed me to report them back to the Senate, and ask their reference to the committee on education or the canal fund, being more appropriate than the bank committee; and asked to be discharged from the further consideration of said subject.

And said report was concurred in;

On motion of Mr. Brady, said petition was referred to the committee on education.



The Senate then took up the bill No. 22, to provide for the election of Fund Commissioners by a separate viva voce vote of each House of the General Assembly.

The question being on the motion of Mr. Armstrong, to strike out of the amendment reported from the committee of the whole, the 6th section thereof, or so much thereof, and all other parts of said amendment as authorizes the sale of additional State bonds.

On motion, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

The President laid before the Senate a report from the Fund Commissioners, transmitting a detailed statement of certain incidental expenses; which was read, and

On motion of Mr. Clark, 300 copies thereof ordered to be printed.

The President also laid before the Senate, a report from the Fund Commissioners, on the subject of the interest heretofore paid on State bonds &c.; which was read, and

On motion of Mr. Thompson, 300 copies ordered to be printed.

On motion of Mr. Cathcart the two reports aforesaid were referred to the committee on the canal fund.

The President also laid before the Senate a report from the President of the State Bank, relative to the securities taken in New York for State bonds, which have been sold on a credit.

On motion of Mr. Brady said report was laid upon the table, and 300 copies thereof ordered to be printed.

The Senate resumed the consideration of bill No. 22, which was pending at the last adjournment.

The question being on the adoption of Mr. Armstrong's amendment to the amendment made in committee of the whole;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Clark, Cravens, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Thompson, Tuley, Watts, and Wright—24.

*Those who voted in the negative, were,*

Messrs. Angle, Arion, Baird of St. Jo., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Moffatt, Mount, Stafford, Tannehill, Watt, and Williams—21.

So said amendment to the amendment prevailed, and said words were stricken out.

Mr. Ewing of Allen moved further to amend the amendment as follows:

That there shall be two fund commissioners elected, the one to serve for one year, and the other for two years; the one receiving the largest majority in the Senate and House of Representatives, to serve two years.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Blair, Bowen, Brady, Carnan, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Herriott, Kinzer, Moffatt, Stafford, Stephenson, Watt, Williams, and Wright—19.

*Those who voted in the negative were,*

Messrs. Angle, Beard of M., Bell, Berry, Carr, Cathcart, Chamberlain, Cravens, Elliott, Green, Hackett, Hargrove, Kennedy, Lane, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Tannehill, Thompson, Tuley and Watts—27.

So said amendment to the amendment did not prevail.

Mr. Tuly moved further to amend said amendment by adding the following:

*Provided,* That the present fund commissioners shall continue in office until they shall have been called upon for settlement by the commissioners elected and qualified under this act, and final settlement made; but shall only continue in office for the purpose of said settlement;

Which amendment to the amendment was agreed to.

Mr. Cravens moved further to amend said amendment, as follows:

In section 2, in 9th line, after the word "commissioners," insert "except so much thereof as authorizes the sale of state bonds."

And on motion, the Senate adjourned.

FRIDAY MORNING, JAN. 10.

The Senate assembled.

Mr. Baird of St. Joseph presented the petition of John Ireland, relative to certain changes in the existing school laws;

Which was read and referred to the committee on education.

Mr. Herriott presented the petition of John Smiley and other citizens of Johnson county, on the subject of a certain state road;

Which was read and referred to the committee on roads.

Mr. Cathcart presented the petition of W. C. Hannah and other



citizens of Laporte county, relative to a certain state road in said county;

Which was read and referred to the committee on roads.

Mr. Kennedy presented the petition of E. W. Thornbury and others, citizens of Delaware county, relative to the re-location of a certain state road,

Which was read and referred to a select committee.

Ordered, That said select committee consist of Messrs. Kennedy, Smith and Tuley.

Mr. Kennedy presented a remonstrance of Amasa Makepeace and other citizens of Madison county, relative to a certain state road therein named;

Which was read and laid upon the table.

Mr. Arion presented the following annual report from the Hanover College;

Which was read and referred to the committee on education.

*To the Hon. the General Assembly  
of the State of Indiana:*

The Trustees of Hanover College, in compliance with a requisition of their charter, respectfully present their annual report of the state of the institution.

The Faculty is composed of the following gentlemen, viz:

Rev. E. D. Mac Master, A. M., President, and Professor of Mental and Moral Philosophy.

Rev. J. Finley Crowe, D. D., Vice President, and Professor of Logic, Rhetoric and Political Economy.

Hon. Miles C. Eggleston, Professor of Law.

Thomas W. Hynes, A. M., Professor of Mathematics and Natural Science.

Samuel Galloway, A. M., Professor of Languages.

Rev. James A. McKee, A. B., Principal of the Preparatory Department.

Asabel Munson, A. B., Tutor.

The annual catalogue exhibits the following summary of students during the year, viz:

|  |    |
|--|----|
| In Law   | 14 |
| Under graduates pursuing the full College course         | 35 |
| University Students pursuing parts of the College course | 16 |
| Preparatory Department                                   | 51 |

Total 116

At the last annual commencement, the degree of Bachelor of Arts was conferred on six young gentlemen, who had completed the collegiate course.

The course of studies pursued is similar to that in other colleges in the United States. Besides instruction according to this course, in Natural Theology, the Analogy of Natural and Revealed Religion to the constitution and course of nature, the Evidences of Christianity and Moral Philosophy, the Students are required to attend on the reading of the Scriptures and prayer in the Chapel daily, and on public worship on the Sabbath. The President and Professors also give instruction on Sabbath evenings to the several classes in a portion of the Holy Scriptures; and in their daily intercourse inculcate the principles and duties of Christianity.

It is the aim of the Faculty to govern the institution, not by minute regulations enforced by a system of espionage and coercion, which provoke transgression and injure character; but by bringing the students under the influence of moral and religious considerations and thus throwing them, so far as practicable, on their own responsibilities, and inducing them to govern themselves. The trustees are happy to say, that these means have hitherto been successful in securing order and good conduct.

The faculty, it is believed, devote themselves with assiduity to the improvement of the young men committed to their instruction; and the examinations at the close of each session evince, on the part of the students, a gratifying efficiency in their studies. The location of the institution on the Ohio river, combining, as it does, ease of access, retirement, healthfulness, cheapness of living, and exemption from temptations incident to more populous places, gives to it great advantages as a place of education. By a public vote the retail of ardent spirits is excluded from the township. The moral and religious character of the surrounding community and the watchful care of the Faculty afford securities for the safety and welfare of the students.

The Trustees have great satisfaction in reporting, that the number of students is gradually increasing, the standard of scholarship advancing, and the institution giving promise of fulfilling the expectations of its friends, and accomplishing the objects for which it has been established, in efficiently promoting sound and christian education.

All which is respectfully submitted,

JOHN MATTHEWS,  
*Pres't Board Trustees.*

Hanover, December 26, 1839.

Mr. Thompson from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution instructing an inquiry into the propriety of amending the revenue law by striking out the following words, "and the said term personal property shall be construed to mean and include all improvements upon lands either owned by the General Government, the state of Indiana,



or any Indian lands within the limits of an organized county, or within the territory attached to any organized county for representative purposes," have instructed me, after due consideration, to report that it is in expedient to repeal said provision.

The question being on concurring in said report,

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the report from the judiciary committee pending at the last adjournment.

And on the question of concurring in said report,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Brady, Carnan, Carr, Clark, Cravens, Green, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Tannehill, Thompson, Tuley, Watt, Watts and Williams—34.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Bowen, Cathcart, Chamberlain, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, and Hackett—10.

So said report was concurred in.

And on motion, the Senate adjourned.

SATURDAY MORNING, JAN. 11, 1840.

The Senate assembled.

The President laid before the Senate the following communication from the Board of Internal improvement:

OFFICE OF THE STATE BOARD,  
Indianapolis, 7th January, 1840.

The Hon. DAVID HILLIS,  
*President of the Senate,*

Sir—On motion of the Hon. Mr. Wright, the Senate passed a resolution calling on the Board to know whether there has been contracts let on the rail road this side of Columbus and Vernon, and whether after the publication of N. Noble, on the subject of suspension of the public works, a number of said contractors did not entirely suspend operations, and whether said Board did not re-let said contracts to a

company at Madison, at the prices of the letting in June last.

In reply I will inform the Senate, that N. Noble issued and published a circular to the contractors of his district, of 18th August, announcing the failure to procure funds to pay the estimates due them, leaving it to their discretion to proceed or not, but advising them if they continued to reduce their force. Subsequently, and as the prospect of funds diminished, he addressed two other circular letters advising them to cease operations, which was communicated by the Engineers, but not published.

To prevent a delay that would happen in finishing the works, if any of the jobs were suffered to drop behind, it is the duty, and has been the practice of all the commissioners to re-let such sections as are forfeited or abandoned by the contractors to whom first let. If the commissioner can succeed in re-letting the abandoned work, at the same prices, to responsible persons, he considers it fortunate, and if he fails in that, it is then his duty to re-let by receiving new bids; under this rule, so well understood, I had an offer the latter part of August or 1st of September, for all the work which had been forfeited or abandoned, including the sections on this side of Columbus, at the same prices bid for them in June at the letting. As was my duty in that case, and as I did, on the other lines, I accepted the offer, giving the company the right to the work, but that the legislature might have the opportunity of acting upon the whole subject of our works, in place of compelling them to proceed immediately, as is usual they were not required to commence the work before the 1st March next. In regard to the latter branch of the call, I have to say, none of the work suspended in consequence of the circular of the commissioner was re-let, the contracts only embracing the sections this side of Columbus, and such jobs between Columbus and Vernon as was reported by the Engineer as being abandoned or forfeited.

N. NOBLE,  
Prest. Bd. Int. Imp.

NOTE. After the first failure to pay the estimates due to contractors, and whilst there were doubts about getting money for that purpose, I was called on to approve of a transfer of some work this side of Columbus, to an individual who had no means to pay hands, and whose habits prevented my assent for the amount of work he wanted—for all which reasons he was refused.

N. NOBLE.

Which report was read and laid upon the table.

Mr. Nave presented the petition of John R. Robards, praying the vacation of the town of Georgetown, in Hendricks county; which was read and referred to a select committee.

Ordered, That said select committee consist of Messrs. Nave, Stafford, and Brady.

Mr. Thompson presented a remonstrance of S. M. Leavenworth, and others, against the location of a certain state road in Crawford county, and for correcting a misprint in relation to said road, which was read, and offered to the same select committee to which a petition on the same subject had been referred.



Mr. Nave from the judiciary committee, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred an engrossed bill of the House of Representatives, No. 23, entitled, a bill to incorporate the New Washington Seminary, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendment, to wit: "strike the following words out of the 15th and 16th lines of the 3d section of said bill: 'by a vote of two-thirds of each House'" to which amendment the concurrence of the Senate is respectfully requested;

Which report was concurred in.

Mr. Armstrong moved to amend the bill referred to in said report, by striking out of the first section thereof the name of James M. Dickey, and inserting the name of John M. Dickey;

Which motion prevailed, and the bill was so amended.

On motion of Mr. Armstrong, said bill was considered as engrossed, read a third time and passed.

Mr. Ewing of Allen, from the committee on corporations made the following report:

Mr. PRESIDENT:

The committee on corporations to whom was referred a bill of the Senate No. 13, entitled "a bill to incorporate the Orleans Institute," have had the same under consideration, and have directed me to report the same back to the Senate with the following amendment, to be added after the last section thereof, to wit:

"*Provided*, That the Legislature shall have power hereafter to alter, amend, or annul this charter of incorporation;"

To which amendment the concurrence of the Senate is respectfully requested.

On motion of Mr. Riley, said bill was considered as engrossed, and read a third time now, and passed.

On motion of Mr. Baird of St. Joseph, the vote on the passage of said bill was reconsidered, and the bill passed.

Mr. Ewing of Cass, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The standing committee on corporations to whom was referred the petition of sundry citizens of the State of Indiana, praying that a corporation, styled "The American Fur Company," authorized by a charter from the State of New York, might be restrained from exercising its banking and other extraordinary privileges and monopolies within the State of Indiana &c., have had that subject under consideration and have directed me to report the following bill, and the committee respectfully recommend its passage.

Said bill, entitled, No. 60, "a bill to prohibit the American Fur Company from banking in this State, and for other purposes," was read a first time and ordered to a second reading.

Mr. Ewing of Allen, from the committee on corporations made the following report:

Mr. PRESIDENT—

The committee on corporations, to whom was referred a bill of the Senate No. 39, entitled "a bill to amend an act for the incorporation of county libraries, approved February 1838," have had the same under consideration, and have directed me to report the same back to the Senate without amendment.

Said bill was ordered to be engrossed for a third reading on Monday next.

Mr. Ewing of Allen, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the Senate No. 42, entitled "a bill to incorporate the Orange Guards," have had the same under their consideration and have directed me to report the same back to the Senate, with the following amendment, to-wit:

"*Provided*, That the Legislature shall have power hereafter to alter, amend or annul this charter of incorporation."

To which amendment the concurrence of the Senate is requested.

Said amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

Mr. Ewing of Allen, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations, to whom was referred a bill of the Senate No. 46, entitled "an act to incorporate the Bartholomew County Silk Company," have had the same under consideration, and directed me to report the same back to the Senate with the following amendment, to-wit:

Strike out the following words in the three last lines of the 16th or last section thereof, to-wit: "and may be altered or amended at any time by a vote of two thirds of the Legislature concurring therein," and insert in lieu thereof the following, to-wit: "*Provided*, That the Legislature shall have power hereafter to alter, amend, or annul this charter of incorporation;"

To which amendment the concurrence of the Senate is requested.

Which amendment was concurred in, and the bill ordered to be engrossed for a third reading.



Mr. Beard of M. moved that the Senate now resolve itself into a committee of the whole on the bill just read.

Mr. Tuley moved to amend said motion so as to say Monday morning next at 10 o'clock;

Which amendment prevailed, and said bill was so committed.

The bill No. 55 was read a second time and referred to the same committee at the same time.

And bills Nos. 14 and 49 were also referred in the same manner, to the same committee.

Mr. Tannehill having obtained leave, introduced a bill, entitled, No. 65, a bill to repeal a part of the 50th and 51st sections of an act entitled, an act relating to state roads, approved Feb. 6, 1837;

Which was read a first time and ordered to a second reading.

On motion of Mr. Thompson, the previous orders of the day were suspended, and the Senate took up bills upon their second reading:

The joint resolution No. 2, was read a second time, and

On motion of Mr. Thompson, laid upon the table.

Bill No. 4, was read a second time, and

On motion of Mr. Thompson, referred to the committee on the judiciary.

Joint resolution No. 5, on the subject of sending a special commissioner to Ohio, in reference to that part of the Wabash and Erie Canal, which lies within the state of Ohio, being under consideration.

Mr. Ewing of Allen proposed to amend said joint resolution by striking out all after the 1st section and inserting a substitute or other sections;

And the question being on striking out, it was decided in the negative.

Mr. Thompson moved to amend said joint resolution by striking out so much thereof as relates to the application or furnishing means for the further prosecution of said canal at present, and all parts thereof except that which authorises the sending a special commissioner to the state of Ohio;

Which motion prevailed;

And the joint resolution was so amended.

On motion of Mr. Elliott, the joint resolution was amended as follows:

After the words "it shall be the duty of" insert "the Chief Engineer of the state, if his services can be dispensed with in the duties of his office, if not, then the;"

The question then recurring on the passage of the joint resolution;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Berry, Blair, Bowen, Brady, Carr, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hackett, Har-

grove, Herriott, Kinzer, Lane, Moffatt, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Williams and Wright—38.

*Those who voted in the negative were,*

Messrs. Kennedy, Lowe, Morgan, and Watts—4.

So said joint resolution passed:

*Ordered,* That the House of Representatives be informed thereof.

Mr. Tuley from a select committee made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of John Brown and others, have had the same under their consideration and have directed me to report the same back to the Senate and request that said petition be referred to the committee on corporations, and that they be discharged from the further consideration thereof.

And the committee were accordingly discharged, and the petition referred to the committee on corporations.

And on motion,

The Senate adjourned.

MONDAY MORNING, JAN. 13.

The Senate assembled.

The President laid before the Senate a communication from the Chief Engineer, on the subject of the cost of repairs on the Madison and Indianapolis rail road during the past year;

Which was read.

Mr. Arion moved that the communication be laid upon the table.

Mr. Cathcart moved to amend said motion by adding "and that 100 copies thereof be printed for the use of the Senate;

Which amendment was agreed to,

And the communication laid upon the table.

On motion of Mr. Beard of M., the Senate according to order, resolved itself into a committee of the whole on the several bills for the relief of contractors upon the public works, numbered 14, 36, 49 and 55, Mr. Brady in the chair.

After some time spent in committee of the whole, the committee rose, reported progress, and asked leave to sit again.

Leave being granted;

On motion, the Senate adjourned.



2 o'clock, P. M.

The Senate assembled.

Mr. Nave moved that the rules of the Senate be suspended, and the bill No. 40, from the House of Representatives for the relief of contractors and laborers upon the public works, be taken up.

Which motion did not prevail.

The Senate again resolved itself into a committee of the whole, according to order, on the bills for the relief of contractors upon the public works, which were under consideration previous to the last adjournment;

And after considering said bills, the committee rose, reported progress, and asked leave to sit again.

And leave being granted;

On motion, the Senate adjourned.

## TUESDAY MORNING, JAN. 14.

The Senate assembled.

Mr. Carnan moved that the rules of the Senate be suspended, and the committee of the whole be discharged from the further consideration of bills Nos. 36 and 49, for the relief of contractors upon the public works, and that they be referred to a select committee;

Which motion prevailed.

Ordered, That said select committee consist of Messrs. Carnan, Elliott, and Kennedy.

On motion of Mr. Brady, Messrs. Chamberlain and Arion were added to said committee.

On motion of Mr. Bowen, Mr. Dobson was added to said committee.

Mr. Wright moved that the following instructions be sent to said committee:

"That no payment of said treasury notes shall be made to any contractor or contractors under the provisions of this bill, unless said contractor or contractors shall agree to suspend, in writing, the further prosecution of his or their contract, until further ordered by an act of the Legislature, which said relinquishment shall be filed with the Board of Internal Improvements."

Mr. Cathcart moved to amend said instructions, by adding the following:

"Provided that the contractors on the Wabash and Erie canal above Lafayette shall not be subject to the above provision."

Which amendment was accepted by the mover.

Mr. Elliott moved to strike out the original instructions, and insert the following:

"Provided however, That the ten per centum withheld by the board of internal improvement shall not be certified by the board of internal improvement or paid under the provisions of this act, unless such contractor or contractors shall first agree to suspend all further operations on his or their contract, until authorized to renew the same by authority of the Legislature or board of internal improvement after funds shall have been provided for that purpose: *Provided further*, That nothing herein contained shall be so construed as to prevent the expenditure of such small sums as may be necessary to protect or save from dilapidation or waste any portion of the public works.

Mr. Dobson moved further to amend the original instructions by adding the following:

"On any contracts which have been made on any of the lines, over and above the amount authorized to be let on said line by the board of public works, at their first meeting under the modification law of last winter; or any contracts which have been made since the notice or notices by the acting commissioner on said line that funds could not be procured; or any contracts which have been re-let since the above notice or notices; or any contract which has been made by any one of the board without the attendance of either of the other members of said board at such letting or re-letting."

A division of the question being called for, and the question being on striking out.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Hackett, Herriott, Kennedy, Lane, Moffatt, Riley, Stafford, and Watt—16.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Carr, Cathcart, Cravens, Ewing of Allen, Finch, Green, Hargrove, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Smith, Stephenson, Tannehill, Thompson, Tuley, Watts, Williams, and Wright—26.

So said original instructions were not stricken out.

Mr. Bowen moved to amend the original instructions by striking out so much thereof as relates to the Wabash and Erie Canal above Lafayette.

A division of the question being called for,

The question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Beard of M., Berry, Bowen, Brady, Carnan, Clark, Dobson, Elliott, Herriott, Kennedy, Lane, Mount, Nave, Riley, Stafford, Tannehill, Watt, and Watts—20.



*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Carr, Cathcart, Chamberlain, Cravens, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Moffatt, Morgan, Nickel, Smiley, Smith, Stephenson, Thompson, Tuley, Williams and Wright—23.

So said words were not stricken out.

Mr. Bowen moved to strike out the word "Lafayette," and insert "the mouth of Tippecanoe."

A division of the question being called for,

The question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Beard, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Herriott, Kennedy, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Riley, Stafford, Tannehill, Watt, and Watts—23.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Carr, Cathcart, Cravens, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Nickel, Smiley, Smith, Stephenson, Thompson, Tuley, Williams, and Wright—19.

So said word was stricken out.

Mr. Nave moved to amend the original instructions by adding the following:

"Or until the state shall have the means further to prosecute some two or three of the public works, with an eye single to the best interests of the State, which works are to be selected by the board of internal improvements.

Mr. Dobson moved to lay said amendment upon the table.

Mr. Brady moved to lay the instructions and all the amendments to the instructions upon the table.

And the question being on the motion of Mr. Brady,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Beard of Montgomery, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Herriott, Kennedy, Lane, Moffatt, Mount, Riley, Stafford, Stephenson, Tannehill, Watt, and Williams—21.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Carr, Cathcart, Cravens, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Thompson, Tuley, Watts and Wright—21.

The President voted in the affirmative, and said instructions and amendments were laid upon the table.

Mr. Ewing of Allen moved that Messrs. Moffatt and Clark be added to the select committee to which said bills have been referred.

Mr. Armstrong moved to amend said motion by adding, "and that every system man in the Senate be added to said committee." And

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Angle the rules of the Senate were suspended, and bill No. 28, from the House of Representatives, entitled, "a bill to regulate the jurisdiction of justices of the peace in Boone county," was taken up, read a 2d time, and referred to a select committee.

Ordered, That Messrs. Angle, Bell and Watt, constitute said committee.

The President laid before the Senate a communication from George Bentley, of Harrison county, in relation to the school laws;

Which was read, and

On motion of Mr. Wright, referred to the committee on education.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof, No. 75, entitled,

An act for the immediate relief of contractors and others engaged on the public works,

In which the concurrence of the Senate is respectfully requested.

The bill, No. 75, referred to in said message, was read a first time.

Mr. Wright moved that the rules of the Senate be suspended, and that said bill be read a second time now:

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Brady, Carnan, Carr, Cathcart, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Tannehill, Thompson, Tuley, Watts, Williams and Wright—30.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Herriott, Lane, Moffatt, Stafford, Stephenson, and Watt—12.



So said motion prevailed and the bill was read a second time now.

Mr. Bell moved to refer said bill to the same select committee to which two several bills of the Senate on the same subject had been referred.

Mr. Wright moved to amend said motion by referring said bill to the select committee to whom a resolution of the Senate on the subject of modifying the public works, had been referred.

The question being on the reference of said bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Lane, Moffatt, Mount, Nave, Stafford, Stephenson, Tannehill, Thompson, Watt and Williams—25.

*Those who voted in the negative were,*

Messrs. Armstrong, Carr, Cathcart, Cravens, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nickel, Riley, Smiley, Smith, Thompson, Tuley, Watts and Wright—19.

The question recurring on the adoption of Mr. Wright's amendment;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Blair, Carr, Cathcart, Cravens, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Thompson, Watts, Williams and Wright—24.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Herriott, Kennedy, Lane, Moffatt, Stafford, Stephenson, Tannehill, Tuley, and Watt—21.

So said amendment was adopted, and the bill so referred.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed bill thereof, No. 123, entitled,

An act for the relief of James D. Conaway of Hancock county;

In which the concurrence of the Senate is respectfully requested.

Which bill was read a first time.

On motion of Mr. Bell, the rules of the Senate were suspended, and the bill read a second time now.

On motion of Mr. Brady, the rules of the Senate were further suspended, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Lane having obtained leave, introduced a bill, entitled,

No. 67, a bill subjecting choses in action to the payment of judgment;

Which was read a first time.

On motion of Mr. Thompson, the rules of the Senate were suspended, and the bill read a second time now.

On motion of Mr. Lane, said bill was referred to the committee on the judiciary.

And, on motion, the Senate adjourned.

WEDNESDAY MORNING, JAN. 15.

The Senate assembled.

Mr. Berry presented the memorial of Joshua O. Howe, Paris C. Dunning, William Turner and Leroy Mayfield, in relation to the State University at Bloomington;

Which was read and referred to the committee on education.

Mr. Baird of St. Joseph presented the petition of J. T. McClelland and others, citizens of St. Joseph county, relating to a change of so much of the existing school law as prohibits school commissioners from holding the office of county treasurer;

Which was read and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Baird of St. Joseph, Chamberlain and Cathcart.

Mr. Brady presented the petition of Minerva Ann McLary, praying to be divorced from her husband William McLary;

Which was read, and,

On motion of Mr. Thompson, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Brady, Thompson and Tannehill.

Mr. Carnan presented the petition of William Denny and others, citizens of Martin county, on the subject of a certain state road;

Which was read and referred to the committee on roads.

Mr. Green presented the petition of Beala Hearick and other citizens of Switzerland county, on the subject of a state road;

Which was read and referred to a select committee.



*Ordered*, That said committee consist of Messrs. Green, Nave and Mount.

Mr. Wright having obtained leave, introduced a bill, entitled, No. 68, a bill to incorporate the Rockville, Parke county Female Seminary;

Which was read a first time, and,

On motion of Mr. Wright, the rules of the Senate were suspended, and the bill read a second time and referred to the committee on corporations.

Mr. Morgan from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of William McCain and others, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage.

The bill referred to in said report, entitled,

No. 69, a bill to authorize the sale of certain public ground in the town of St. Omer, in Decatur county, and for other purposes;

Was read a first time, and,

On motion of Mr. Morgan, the rules of the Senate were suspended, and the bill read a second time and referred to the committee on the judiciary.

On motion of Mr. Berry, the previous orders of the day were suspended for the purpose of introducing bills.

Mr. Cathcart introduced a bill, entitled,

No. 70, a bill relating to the time of holding the circuit courts in the counties of Laporte, Porter and Lake, in the 9th judicial circuit;

Which was read a first time, and,

On motion of Mr. Cathcart, the rules of the Senate were suspended, and the bill read a second time, and ordered to a third reading.

Mr. Berry introduced a bill, entitled,

No. 71, a bill to amend an act entitled an act authorising the sale of certain school lands therein named and for other purposes, approved Jan. 1, 1833;

Which was read a first time and ordered to a second reading.

Mr. Ewing of Allen introduced a bill, entitled,

No. 73, a bill to amend an act to regulate the jurisdiction of justices of the peace in Allen county;

Which was read a first time and ordered to a second reading.

Mr. Lane introduced a bill, entitled,

No. 74, a bill to incorporate the Indiana General Baptist Seminary in the county of Vanderburgh;

Which was read a first time, and,

On motion of Mr. Lane, the rules of the Senate were suspended, the bill read a second time and referred to the committee on corporations.

Mr. Kennedy introduced a bill, entitled,

No. 75, a bill to revive a state road therein named;

Which was read a first time, and,

On motion of Mr. Kennedy, the rules of the Senate were suspended, the bill read a second time and ordered to a third reading.

Mr. Thompson from the judiciary committee, made the the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate instructing an inquiry whether the property of towns corporate is liable to be taken in execution for debts due by such corporations, if not, then to so amend the laws; have, after due reflection and consultation, instructed me to report that the property of towns corporate, by the statutes of this state, is subject to judgment obtained against the corporation, as will fully appear by a reference to the various acts of incorporations, consequently it is inexpedient to legislate upon that subject.

And said report was concurred in.

Mr. Thompson from the judiciary committee made the following report:

Mr. PRESIDENT—

The judiciary committee, to whom a resolution instructing an inquiry into the expediency of increasing the per diem allowance to witnesses in the different counties of this state have after due consideration instructed me to report the following bill, entitled,

No. 76, a bill to increase the per diem allowance to witnesses; which was read a first time and ordered to a second reading.

Mr. Thompson, from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the petition of Maria T. Rush have, after due consideration, instructed me to report a bill (herewith submitted) in accordance with the prayer of the petitioner, entitled, No. 77, a bill for the relief of Maria T. Rush of Dearbourn county.

Which was read a first time and ordered to a second reading.

Mr. Bowen, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on education, to whom was referred two resolutions of the Senate on the subject of appointing a general superintendent of



common schools, have had the same under consideration and directed me to report the following bill and recommend its passage.

The bill entitled No. 78, a bill preparatory to a general system of education in Indiana was read a first time and ordered to a second reading.

Mr. Arion, from the committee on the state bank, made the following report:

MR. PRESIDENT—

The committee on the state bank, to whom was referred a resolution of the Senate relative to the distribution of the surplus revenue fund, have had the subject under consideration, and directed me to report a bill in accordance therewith, and recommend its passage.

The bill entitled, No. 79, a bill to provide further means for the payment of the interest on the debt of the state of Indiana, for internal improvement, without taxation, and to extend the sinking fund loans, was read a first time and ordered to a second reading.

Mr. Carnan, from a select committee to whom bills Nos. 49 and 56, on the subject of relief to contractors on the public works had been referred, made the following report:

MR. PRESIDENT—

The select committee to which two several bills were referred for the relief of contractors on the public works, No. 36 and 49, have had the same under consideration and directed me to report the same back to the Senate with one amendment: Strike out said bills from the enacting clause, and insert a substitute.

Mr. Wright moved to recommit said report to the same select committee to whom was committed the bill from the House of Representatives on the same subject;

Mr. Lowe moved to lay said report upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Green, Hackett, Kinzer, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Thompson, Watts and Wright—16.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Hargrove, Herriott, Kennedy, Lane, Moffatt, Mount, Riley, Stafford, Stephenson, Tannehill, Tuley, Watt and Williams—26.

So said report was not laid upon the table.

Mr. Thompson moved to amend the motion of Mr. Wright by adding thereto the following:

“And that said committee be directed and instructed to make report on said subject, at two o'clock this day;”

Which amendment was accepted by Mr. Wright.

And on motion,

The Senate adjourned.

2 o'clock P. M.

The Senate assembled.

On motion of Mr. Wright,

Resolved, That when the Senate adjourns, it will adjourn to meet again on Friday morning next.

The following message was received from the House of Representatives, by Mr. Harris their clerk:

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MR. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills which originated in the House of Representatives as follows, to-wit:

No. 3. An act to change the name of Harvey Slocum of Jefferson county;

No. 31. An act to provide for the election of a justice of the peace in the town of New-London in Daviess county;

No. 59. An act for the relief of the collector of St. Joseph county;

No. 35. An act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county;

No. 13. An act to change the name of Lavina Fallis.

No. 53. An act for relief the of Julia Sims.

No. 38. An act to authorize the election of a justice of the peace and constable in the town of Fredericksburgh in the county of Washington;

No. 123. An act for the relief of James D. Conaway of Hancock county.

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed the bills referred to in said message.

Mr. Tuley, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the enrolled with the engrossed bills, which originated in the House of Representatives, of the following titles, and find the same truly enrolled, to-wit:

An act to change the name of Lavina Fallis;

An act for the relief of Julia Sims;



An act authorizing the election of a justice of the peace and constable, in the town of Fredericksburgh in the county of Washington;

An act to provide for the election of a justice of the peace in New London, in Daviess county.

An act to change the name of Harvey Slocum of Jefferson county, Indiana;

An act for the relief of the collector of St. Josephs county.

An act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county;

An act for the relief of James D. Conoway of Hancock county;

And on motion, the Senate adjourned.

# FRIDAY MORNING, JAN. 17.

The Senate assembled.

And, on motion,  
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have adopted the following resolution, to-wit:

*Resolved*, That this House will proceed, on Monday next, the 19th inst. at 2 o'clock, P. M., (the Senate concurring therein) to elect two directors of the State Bank, to fill the vacancies occasioned by the resignation of L. H. Scott and the expiration of Calvin Fletcher's term of office;

In which the concurrence of the Senate is respectfully requested.

On motion of Mr. Bowen, the Senate concurred in said resolution, with the following amendments, to wit:

1st. Strike out "Monday next, the 19th inst." and insert "Monday, the 27th inst."

2d. Strike out the name of "Falvin Fletcher," and insert that of "Alexander Worth."

On motion of Mr. Thompson, the Senate took up the bill for the relief of Maria T. Rush, and the same was re-committed to the committee on the judiciary.

The following message was received from the House of Representatives by Mr. Cutter, a member:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof No. 1, entitled an act to abolish imprisonment for debt; In which the concurrence of the Senate is very respectfully requested.

The bill referred to in said message, was read a first time.

Mr. Moffatt moved that the rules of the Senate be suspended, and that the bill be read a second time now;

Which motion did not prevail;

And said bill was ordered to a second reading.

Mr. Williams presented the petition of Aaron White and others, citizens of Wayne county, asking the passage of a law restraining further the granting of licenses to retail ardent spirits;

Which was read and referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Williams, Mount and Stafford.

Mr. Baird of St. Joseph, presented the petition of Thomas McCartney and others, of Laporte and St. Joseph counties, on the subject of a state road;

Which was read and referred to the committee on roads.

Mr. Chamberlain presented the petition of John C. Chase and others, citizens of Elkhart county, in regard to the election of township officers;

Which was read and referred to a select committee.

*Ordered*, That Messrs. Chamberlain, Baird of St. Joseph and Stephenson constitute said committee.

Mr. Chamberlain also presented the petition of Isaac Cox and others, in reference to the Erie and Michigan canal;

Which was read and referred to a select committee.

*Ordered*, That Messrs. Chamberlain, Cathcart and Baird of St. Joseph constitute said committee.

Mr. Green presented the petition of William Cunningham and others, relative to a certain state road in Switzerland county;

Which was read and referred to the committee on roads.

Mr. Chamberlain presented the petition of George Crawford and J. R. McCord, citizens of Elkhart county, relative to the purchase of certain school lands;

Which was read and referred to the judiciary committee.

Mr. Baird of St. Joseph presented the petition of James Hacker and others, citizens of Kosciusko county, asking the incorporation of the Leesburgh school society;

Which was read, and referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Baird of St. Joseph, Green and Thompson.



Mr. Dobson moved to take up a notice given by him on the subject of changing certain rules of the Senate;

Which motion did not prevail;

And said notice was not taken up.

Mr. Thompson from the committee on elections, made the following report:

MR. PRESIDENT—

The committee on elections, to whom was referred a resolution instructing an inquiry into the expediency of imposing a heavy penalty for the crime of swindling electors, especially those who cannot read, out of their votes by palming upon them tickets different from such as are desired by voters; also, of imposing a severe penalty upon inspectors and judges of elections, who corruptly attempt by persuasion or otherwise to influence men proposing to hand in their tickets, to vote differently from what they intended, have after due consideration, instructed me to report the following bill, entitled,

No. 80, a bill to amend the act to regulate elections, approved Feb. 17, 1838;

Which bill was read a first time and ordered to a second reading.

Mr. Thompson from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution instructing an inquiry into the expediency or policy of amending the 33d section of the act relative to crime and punishment, approved Feb. 10, 1831, have after examination, concluded to report the following bill, entitled,

No. 81, a bill to amend an act entitled an act relative to crime and punishment, approved Feb. 10, 1831;

Which bill was read a first time and ordered to a second reading.

Mr. Thompson from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution instructing an inquiry into the expediency of so amending the law regulating the duties of supervisors of public roads, as to make it obligatory upon them to report to the clerks of the circuit courts in the counties in which their road districts lay, the names and number of persons in their respective districts liable to work on roads, before the clerks shall be called on to certify the amount of road tax each individual is liable to pay, have after consulting upon the subject, instructed me to report the following bill, entitled,

No. 82, a bill to amend the act relating to public roads and highways, approved Feb. 17, 1838;

Which bill was read a first time and ordered to a second reading.

Mr. Thompson, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill No. 67, entitled a bill subjecting chases in action to the payment of judgments, have after deliberate examination, instructed me to report it to the Senate without amendment, and recommend its passage.

Which report was concurred in.

Mr. Bowen from the committee on education, made the following report:

MR. PRESIDENT—

The committee on education, to whom was referred a resolution of the Senate, instructing said committee to inquire into and report the condition of the State University; whether or not it is in a flourishing condition; and if not, what is the cause, and what means should be adopted to secure its prosperity? with a view to make it in point of fact, what it purports to be, a State University, have had the same under consideration, and a majority of the committee then present directed me to report a resolution to the Senate, asking for a joint committee of both houses, with power to send for persons and papers.

In obedience thereto I have herewith submitted the following resolution:

*Resolved*, By the Senate, the House concurring therein, That a joint committee of two from the Senate and three from the House, be appointed by the President of the Senate and Speaker of the House respectively, with power to send for persons and papers, to inquire into the condition of the State University, whether or not it is in a flourishing condition; and if not, what is the cause, and what means should be adopted to secure its prosperity? with a view to make it in point of fact, what it purports to be, a State University, and report the result of their investigation to the legislature;

Which report was concurred in, and the resolution laid upon the table.

Mr. Lowe from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate, No. 20, declaring a county road therein named a state road and for other purposes, together with a petition and remonstrance on that subject, have had the same under consideration and directed me to report it back and ask that it be postponed until the first Monday of December



next, and that the committee be discharged from the further consideration thereof.

And said report was concurred in and the committee were discharged accordingly.

Mr. Berry, from a select committee, made the following report:

Mr. President—

The select committee to whom was referred the petition of Peter Huston, on the subject of memorializing Congress in his behalf, have had that subject under consideration and have directed me to report the following joint resolution, entitled

No. 83, a joint resolution for the relief of Peter Huston;

Which was read a first time, and on motion of Mr. Berry, the rules of the Senate were suspended, and the joint resolution, read a second and third times, and passed.

*Ordered*, That the House of Representatives be informed thereof.

On motion of Mr. Wright,

*Resolved*, That the fund commissioners be required to report at as early a day as practicable, whether any of the members of the late board of internal improvement have failed or neglected to make settlement of their respective accounts, and if any, the names of such persons so failing or neglecting.

Mr. Nave, from a select committee, made the following report:

Mr. President—

The select committee to whom was referred the petition of John R. Robards, requesting the vacation of Georgetown in Hendricks county, have had the same under consideration and have directed me to report the following bill, entitled

No. 84, a bill to vacate Georgetown in Hendricks county;

Which was read a first time and ordered to a second reading.

Mr. Bowen, from a select committee, made the following report:

Mr. President—

The select committee to whom was referred the petition of M. McCall and Nicholas & Co., have had the same under consideration, and have directed me to report back the same to the Senate, and recommend that it be laid on the table, and ask to be discharged from the further consideration thereof.

Which petition was laid upon the table, and the committee discharged accordingly.

On motion of Mr. Cathcart,

*Resolved*, That the committee of canals and internal improvement be instructed to inquire into the expediency of memorializing the Congress of the United States, upon the subject of a grant of land equal to

each alternate section in a belt of land ten miles wide on each side of a proposed rail road to connect the northern canal at some convenient point with Lafayette, and further to report a joint resolution to that effect, if in their opinion such a measure is practicable and expedient.

Mr. Hargrove introduced a joint resolution, entitled

No. 85, A joint resolution for the benefit of Gibson and Dubois counties;

Which was read a first time and ordered to a second reading.

On motion of Mr. Thompson, the Senate took up bills upon their second reading.

The engrossed bill No. 6, from the House of Representatives, entitled, a bill for the relief of the heirs of Robert Meek, deceased, was read a second time and ordered to a third reading.

Bill No. 6, of the Senate, entitled a bill amendatory to an act relative to practice in circuit courts, approved February 18th, 1839, was read a second time and ordered to a third reading.

Bill No. 8, an engrossed bill from the House of Representatives entitled, a bill to recover the value of sheep killed by dogs, was read a second time,

And on motion of Mr. Dobson, amended by inserting after the word "sheep" the words "or other stock."

Mr. Moffatt moved to strike out the proviso in said bill in reference to the first offence of dogs, and which exempts their owners from being liable for said first offence, if said dog be then killed;

Which motion did not prevail, and

On motion of Mr. Chamberlain, said bill was referred to the judiciary committee.

Bill No. 8, of the Senate, entitled, a bill to provide for the support of the indigent blind of the state, was read a second time and ordered to be engrossed for a third reading.

Bill No. 22, an engrossed bill of the House of Representatives, entitled, a bill to vacate part of a street in the town of Brookville, was read a second time and ordered to a third reading.

Bill No. 34, of the Senate, entitled a bill for the relief of James Copland and Macklin Copland, was read a second time, and

On motion of Mr. Nave, the rules of the Senate were suspended, and the bill considered as engrossed, read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Bill No. 30, an engrossed bill of the House of Representatives entitled, a bill supplemental to an act relating to public roads and highways, approved February 17, 1838, was read a second time and ordered to a third reading.

Joint resolution No. 10, of the Senate, entitled, a joint resolution on the subject of the harbor at Michigan City, was read a second time, and on motion of Mr. Cathcart, considered as engrossed, read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Bill No. 11, of the Senate, entitled, a bill for the relief of Martin



Berg, was read a second time, and ordered to be engrossed for a third reading.

Bill No. 42, an engrossed bill of the House of Representatives, entitled, a bill to amend an act entitled an act fixing the times of holding courts in the fourth judicial circuit, was read a second time, and on motion of Mr. Thompson, referred to the judiciary committee.

Joint resolution No. 62, of the Senate, entitled, a joint resolution and memorial to the Congress of the United States, on the subject of the Cumberland Road, was read a second time.

On motion of Mr. Moffatt, said joint resolution was referred to a select committee.

*Ordered,* That said select committee consist of Messrs. Moffatt, Brady, and Stevenson.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have concurred in the amendments of the Senate to bill No. 23, of the House, entitled,

An act to incorporate the New-Washington Seminary.

The House of Representatives have also concurred in the amendments of the Senate to the resolution of the House relative to the election of State Bank Directors.

And on motion, the Senate adjourned.

## SATURDAY MORNING, JAN. 18.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Thompson, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House of Representatives have passed a joint resolution of the Senate, entitled,

No. 5, in relation to operations upon the Wabash and Erie Canal, without amendment.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate, entitled,

An act to change the name of Germantown in Floyd county to that of Galena, without amendment;

The House of Representatives have also passed engrossed bills thereof as follows, to-wit:

No. 64, An act to amend an act entitled an act providing for the protection of the Madison and Indianapolis rail road, &c. approved 14th February, 1830;

No. 65, An act for the relief of Nicholas Cromwell and others;

No. 72, An act to provide for the election of a justice of the peace in the town of Alexander in Madison county;

No. 74, An act to legalize the time of holding the the session of the board of commissioners of the county of Marion;

No. 80, An act regulating the jurisdiction of justices of the peace in Jackson county;

No. 81, An act to repeal an act entitled an act to vacate a part of the town of Milford in the county of Kosciusko.

Also a joint resolution, No. 67, in relation to Edward M. Beckwith, In which the concurrence of the Senate is respectfully requested.

Bills Nos. 64, 72, 81, referred to in said message, were severally read a first time and ordered to a second reading on Monday next.

Bill number 65, was read a first time, and on motion of Mr. Moffatt, the rules of the Senate were suspended, and the bill read a second and third times and passed.

Bill number 80, was read a first time, and on motion of Mr. Carr, the rules of the Senate were suspended, and the bill read a second time now.

On motion of Mr. Chamberlain, said bill was amended by striking out so much thereof as relates to the publication thereof in the Indiana Democrat.

Bill number 74, was read a first time, and on motion of Mr. Brady the rules of the Senate were suspended, and the bill read a second and third times and passed.

Joint resolution number 67, was read a first time, and on motion of Mr. Tuley, the rules of the Senate were suspended, and the joint resolution read a second time now.

On Motion of Mr. Chamberlain, said joint resolution was amended by adding to the last section thereof, the following:

"And that said joint resolution be published in the Indiana Democrat and Indiana Journal.

Mr. Watts presented a document in reference to the petition of Maria T. Burk, which was referred to the committee on the judiciary.

Mr. Cathcart presented a remonstrance of Elias Clifton and others, of Jaster county, in relation to a certain state road, which was read and referred to the committee on roads.

Mr. Ewing of Cass presented the petition of James T. Miller, praying the right to establish a ferry across the Wabash, near the mouth of the Mississinewa river, which was read and referred to a select committee.



*Ordered*, That Messrs. Ewing of Cass, Ewing of Allen, and Kennedy, constitute said committee.

Mr. Hargrove presented the petition of Joel Baldwin, praying to be divorced from his wife Sally Ann Baldwin; which was read and referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Hargrove, Lane, Carnan and Brady.

Mr. Ewing of Cass, presented the petition of the board of commissioners of the county of Cass, praying an act legalizing the proceedings of said board; which was read and referred to a select committee;

*Ordered*, That Messrs. Ewing of Cass, Ewing of Allen, and Green, constitute said committee.

Mr. Mount presented the petition of Thirza Brown, praying to be divorced from her husband James H. Brown, which was read and referred to a select committee.

*Ordered*, That Messrs. Mount, Williams, and Brady, constitute said committee.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

**MR. PRESIDENT—**

The House of Representatives have passed an engrossed bill thereof, No. 135, entitled "an act to authorize the circuit court of the county of Cass to change the venue in a certain case therein named."

The House of Representatives have also passed an engrossed bill of the Senate, number 56, entitled "an act fixing the time of holding the probate and commissioners' courts in the county of Parke, and for other purposes," with an amendment,

In which the concurrence of the Senate is respectfully requested.

Bill number 135, referred to in said message, was read a first time and ordered to a second reading.

The amendment made by the House of Representatives to Bill No. 56 of the Senate, was concurred in by the Senate.

On motion of Mr. Stephenson, the Senate took from the table the resolution reported from the committee on education, on the subject of the State University at Bloomington.

Mr. Cravens moved to amend said resolution by inserting after the words "respectively," the words "to repair to Bloomington."

Mr. Chamberlain moved to amend said amendment as follows:

And the said committee be authorized to report the result of their investigations to the next General Assembly.

Mr. Wright moved to re-commit the resolution and amendments to the committee on education, and

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the amendments to the resolution pending at the last adjournment.

The question being on re-committing the same.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Beard of M., Bell, Blair, Finch, Kennedy, Kinzer, Nave, Smith, Stephenson, Williams and Wright—11.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Berry, Bowen, Brady, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Green, Hackett, Hargrove, Herriott, Lane, Lowe, Moffatt, Morgan, Mount, Nickel, Riley, Smiley, Tannehill, Thompson, Tuley, Watt, and Watts—30.

So said resolution and amendments were not so committed.

Hr. Cravens accepted the amendment offered to his amendment by Mr. Chamberlain.

Mr. Elliott moved to amend said amendment by adding the following:

"And also to call a meeting of the board of trustees, if necessary;" Which amendment to the amendment was agreed to.

Mr. Morgan moved to amend said amendment, by striking out so much thereof as provides for the creation of said committee, and inserting "that the Governor shall appoint five disinterested persons;"

Which motion did not prevail.

The question recurring on the adoption of the amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Bell, Berry, Bowen, Brady, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Thompson, Watt, and Wright—29.

*Those who voted in the negative were,*

Messrs. Beard of M., Bell, Blair, Kennedy, Moffatt, Nave, Riley Smith, Stephenson, Tannehill, Tuley, Watts and Williams—13.

So said amendment was adopted.



Mr. Nave moved to re-commit said resolution with the following instructions:

First to authorize the election of the officers of said institution by a joint vote of both branches of the Legislature; and secondly, to authorize by law a re-location of the State University at Indianapolis *Provided*, That the citizens of said town will build a University, equal in dimension and accommodation to the present University at Bloomington, and also subscribe a sum of money sufficient in amount to fully remunerate the State in such damages as she may sustain by such relocation.

Mr. Stephenson moved to amend said instructions by striking out so much thereof as relates to the re-location of said University at Indianapolis.

Mr. Berry moved to lay said instructions and proposed amendment upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. J., Bell, Berry, Bowen, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hackett, Hargrove, Herriott, Kinzer, Lane, Morgan, Mount, Riley, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams, and Wright—32.

*Those who voted in the negative were,*

Messrs. Beard of M., Blair, Brady, Green, Kennedy, Lowe, Moffatt, Nave, Nickel, Smiley, and Smith—11.

So said instructions and amendment were laid upon the table.

On motion of Mr. Wright,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law, so as to give the boards doing county business in the several counties in this State the power to finish, complete or repair county seminaries with the funds of the county, if they should deem it advisable, with leave to report by bill or otherwise.

On motion of Mr. Cathcart,

*Resolved*, That the attention of the board of fund commissioners be again respectfully called to the resolution of the Senate of the 2d inst., calling for information as to "what amount of interest has been paid upon state bonds sold for the prosecution of the Wabash and Erie canal and the general system of internal improvement during each respective year, since the first state bonds were sold &c."

The said Board in their reply to the above resolution, having failed to give the necessary information in relation to the interest paid &c., for any year prior to 1835.

Mr. Tuley, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills now report that they have pre-

sented to His Excellency the Governor for his approval and signature the following bills, which originated in the House of Representatives, to wit:

An act to change the name of Harvey Slocum of Jefferson county, Indiana,

An act to authorize the election of a justice of the peace and a constable, in the town of Fredericksburgh, in the county of Washington,

An act for the relief of James D. Conoway of Hancock county,

An act for the relief of Julia Sims,

An act to provide for the election of a justice of the peace in the town of New London in Daviess county,

An act to change the name of Levina Fallis.

An act for the relief of the collector of St. Josephs county.

An act for the relief of persons who are likely to suffer by the destruction of the records of Dubois county. And,

On motion, the Senate adjourned.

MONDAY MORNING, JAN. 20.

The Senate assembled.

Mr. Baird of St. Joseph presented the petition of John J. Deming and others of Mishawaka, praying the confirmation by law of certain acts of the Trustees of said town;

Which was read and referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Baird of St. Joseph, Chamberlain and Cathcart.

Mr. Bell presented the petition of John H. Cook, and others of Madison county, praying certain alterations in the act of incorporation of the town of Pendleton;

Which was read and referred to the committee on corporations.

Mr. Berry presented the petition of Sarah Johnston, praying to be divorced from her husband William Johnston;

Which was read and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Berry, Carr, Cravens, Kennedy and Brady.

Mr. Stephenson presented the petition of James M. Grooms and others, citizens of Putnam county, praying the passage of a law authorizing the State Bank to issue small bills;

Which was read, and

Mr. Stephenson moved to refer said petition to the committee on the State Bank.

Mr. Chamberlain moved to lay said petition upon the table;

Which was not agreed to.



And the question recurring on the motion of Mr. Stephenson, it was decided in the affirmative,

And the petition was referred to the committee on the State Bank.

Mr. Thompson from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a resolution instructing an inquiry into the expediency of reporting a bill prohibiting the issue of small bills, commonly called shin plasters, by any city, town corporate, or by any of the constituted authorities thereof in this state, have instructed me to report the following bill, entitled a bill No. 88, to prohibit the issuing or circulating small notes commonly called shin plasters.

Which bill was read a first time and ordered to a second reading.

Mr. Thompson from the judiciary committee made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill of the House of Representatives, No. 42, entitled a bill to amend an act fixing the time of holding courts in the 4th judicial circuit, have carefully examined its provisions and instructed me to report it to the Senate with one amendment:

Strike out from the enacting clause and insert the following:

That so much of the act fixing the time of holding circuit courts in the 4th judicial circuit, approved Feb. 17th, 1838, as provides for a June term of said court in Vanderburgh county, be and the same is hereby repealed.

Strike all out of the 2d section but the last line.

And the question being on concurring in the amendment proposed by said committee, it was decided in the affirmative.

And the bill was ordered to be engrossed for a third reading.

Mr. Thompson from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill of the Senate entitled a bill to authorize the sale of certain public ground in the town of St. Omer in Decatur county and for other purposes, have instructed me to report the same with one amendment, to wit: Strike out the proviso in the 4th section; to which the concurrence of the Senate is respectfully requested;

And the question being on concurring in the amendment proposed by said committee, it was decided in the negative;

And the bill was ordered to be engrossed for a third reading.

The Senate then took up the resolution reported by the committee on education, on the subject of the State University at Bloomington, which was pending at the last adjournment;

And the question being on the adoption of said resolution as amended;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Arsmstrong, Baird of St. Joseph, Berry, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Green, Hackett, Herriott, Kinzer, Lowe, Morgan, Mount, Nickel, Smiley, Thompson, Watt, Watts and Wright—25.

*Those who voted in the negative were,*

Messrs. Beard of M., Bell, Blair, Finch, Hargrove, Kennedy, Lane, Moffatt, Nave, Riley, Smith, Tannehill, Tuley and Williams—14.

So said resolution was adopted.

Mr. Bowen, from the committee on education made the following report:

Mr. PRESIDENT—

The committee on education, to whom was referred the report of the Treasurer of State in relation to the surplus revenue and sundry resolutions of the Senate on the same subject, have had the same under consideration and directed me to report the following bill, entitled a bill No. 89, compiling all the laws heretofore passed concerning the surplus revenue distributed to Indiana, and applicable to the support of common schools;

Which bill was read a first time, and,

On motion of Mr. Brady, the rules of the Senate were suspended, and the bill read a second time now.

On motion of Mr. Thompson, said bill was committed to a committee of the whole Senate, and made the order of the day for Friday next.

Mr. Mount from the committee on education made the following report:

Mr. PRESIDENT—

The committee on education to whom was referred a resolution of the Senate instructing said committee to inquire into the expediency of extending the time of paying the funds loaned for education and sinking fund purposes; also a petition of C. B. Clements and sundry other citizens of Franklin county on the same subject, have had the same under consideration, and have instructed me to report the following bill:



The bill No. 90, entitled a bill extending relief to borrowers of common school, seminary, college and sinking funds;

Was read a first time and ordered to a second reading.

Mr. Baird of St. Joseph, from a select committee made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of James Hocker and others of the county of Kosciusko, praying the incorporation of the Leesburg School Society in said county of Kosciusko, have had the same under consideration and directed me to report, that your committee most cordially approve the spirit of any portion of our fellow citizens which prompts them in any manner to promote the inestimable cause of education; and inasmuch as said petition has for its avowed object that cause, your committee have directed me to report the following bill, and recommend its passage.

The bill referred to in said report, entitled,

No. 91, a bill to incorporate the Leesburgh School Society;

Was read a first time and ordered to a second reading.

Mr. Baird of St. Joseph, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of John B. McClelland and others, of the county of St. Joseph, asking authority to appoint the school commissioner of said county the county treasurer thereof, have had the same under consideration, and directed me to report a bill in accordance with the prayer of said petitioners, the passage of which is recommended by your committee.

Said bill, entitled, No. 92, a bill to authorize the school commissioner of the county of St. Joseph, to hold the appointment of county treasurer;

Was read a first time and ordered to a second reading.

Mr. Brady from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to whom was referred the petition of Minerva Ann McClary, have according to order, had the same under consideration, and I am directed to report the following bill for the relief of said petitioner:

Said bill, entitled No. 93, a bill for the relief of Minerva Ann McClary of Marion county;

Was read a first time and ordered to a second reading.

Mr. Ewing of Cass, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Phebe Clymer and others, praying for relief for her, have considered that subject and have directed me to report the following bill, and respectfully recommend the passage thereof.

Said bill, entitled, No. 94, a bill for the relief of Phebe Clymer, was read a first time, and

On motion of Mr. Ewing of Cass, the rules of the Senate were suspended, and the bill read a second and third times and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Green, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of William Gibson and sundry other citizens of the county of Switzerland, praying the location of a state road in said county, have had the subject under consideration and directed me to report a bill agreeably to the prayer of the petitioners, and recommend its passage.

Said bill entitled, No. 95, a bill establishing a state road in the county of Switzerland, was read a first time, and

On motion of Mr. Green, the rules of the Senate were suspended, and the bill read a second and third times and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Mount from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Therza Brown, praying to be divorced from her Husband James H. Brown, have had the same under consideration, and directed me to report the following bill:

Said bill, entitled,

No. 96, a bill for the relief of Therza Brown, was read a first time and ordered to a second reading.

Mr. Lowe having obtained leave, introduced the following bill, entitled.

No. 97, a bill to amend an act entitled, "an act pointing out the mode of levying taxes, and fixing the per centum for state purposes, approved February 15th, 1839; which was read a first time.

Mr. Tuley moved to refer said bill to the committee on ways and means; which motion did not prevail.

On motion of Mr. Lowe, the rules of the Senate were suspended, and the bill read a second and third times and passed.



Ordered, That the House of Representatives be informed thereof.  
And, on motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Cathcart,

Resolved, That the judiciary committee be instructed to report to the Senate whether, in their opinion, the act entitled "an act for the equal distribution of the three per cent. fund," approved February 6th, 1837, appropriates said fund "to the construction or repairing of bridges" on county roads—and whether such expenditure is prohibited by any other law of this State.

On motion of Mr. Arion,

Resolved, That the committee on ways and means be instructed to inquire into the propriety of so amending the revenue law, as to require the collectors of the state and county revenue in the several counties, to give bonds in double the amount of said revenue.

On motion of Mr. Brady,

Resolved, That the standing committee on military affairs be directed to inquire into the expediency of repealing so much of the 84th section of the military law as allows \$100 of an annual salary to the Adjutant General, unless it can be ascertained that the duties performed by that officer will justify the expenditure.

On motion of Mr. Cravens,

Resolved, That the fund commissioners be requested to inform the Senate whether any state bonds have been sold by them for internal improvement purposes since the adjournment of the last session of the legislature, to citizens of Indiana. If so, to whom, to what amount, and upon what conditions.

On motion of Mr. Wright,

Resolved, That the board of internal improvements report to this Senate as soon as it is practicable, information relative to the Madison and Indianapolis rail road, on the following subjects:

1st. What amount of contracts have been let the past season on this side of Columbus?

2d. At what time the acting commissioner on said road issued his first notice to suspend operations on said work?

3d. At what time the engineer reported to the commissioner on said work, that any contracts were abandoned?

4th. State what contractors did abandon their contracts.

5th. Did the acting commissioner on said work re-let any contracts so abandoned, and if so, at what time, and at what prices?

6th. Was the prices of the contracts so re-let the same as those let on said road in June last?

7th. What was the difference between the price of labor per day or month at the date of the last and first letting on said road, provisions &c.

8th. Was there any jobs or contracts re-let or made of any kind,

after the notice to suspend operations on any of the other works, except the Madison and Indianapolis rail road.

9th. To whom was these contracts re-let on said road—if to a company, state their names and residence.

10th. How has payment been made to said contractors on said road since the order of suspension, and what is the prospects of payment to said contractors under the present state of money matters if said contractors should prosecute their jobs as mentioned by said board in their report to this Senate?

11th. Have bonds of the state been issued to any individuals or companies in payment of the amount appropriated last year on said road, and if so, what amount of bonds, and at what time said bonds were issued?

12th. Is all of said road between Vernon and Columbus under contract?

13th. Was there any notice given at the time of re-letting said contracts on said road, and if so, what time was given?

On motion of Mr. Arion, said resolution was amended by adding the following:

Also, whether or not the contract prices of June were higher or lower, upon an average, than former average prices upon the public works, and if higher or lower, to state how much.

On motion of Mr. Ewing of Cass,

Resolved, That the board of public works be, and they are hereby requested to inform the Senate why they have refused and neglected to pay the claims of individuals that have been legally awarded, pursuant to law, notwithstanding the law of 1836 as well as all subsequent laws on that subject make it the duty of said board to pay all such legal demands.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed the following enrolled bills, which originated in the Senate, to wit:

No. 15, an act to change the name of Germantown in Floyd county to that of Galena,

No. 56, an act fixing the time of holding the probate and commissioners' courts in the county of Parke, and for other purposes;

Also, No. 5, a joint resolution in relation to operations on the Wabash and Erie canal, and to secure the speedy completion thereof, and for other purposes;

Also an enrolled bill of the House, No. 23, an act to incorporate the New Washington Seminary;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.



On motion of Mr. Cravens, the Senate took up the bill from the House of Representatives, No. 12, to change the time of holding courts in the 11th judicial circuit.

Mr. Nave moved to concur in the amendment reported from the committee, with an amendment as follows:

Strike out of said amendment so much as relates to the time of holding courts in the 5th judicial circuit, and insert the following section:

Sec. —, In the county of Hancock, on the third Mondays of February and August; in the county of Shelby, on the Thursdays succeeding the courts in Hancock; in the county of Bartholomew, on the Mondays succeeding the courts in Shelby; in the county of Johnson on the Mondays succeeding the courts in Bartholomew; in the county of Morgan on the Thursdays succeeding the courts in Johnson; in the county of Hendricks, on the Mondays succeeding the courts in Morgan; in the county of Boone, on the Mondays succeeding the courts in Hendricks; in the county of Hamilton, on the Mondays succeeding the courts in Boone; and in the county of Marion, on the Mondays succeeding the courts in Hamilton; in the counties of Hancock, Shelby, Johnson, and Morgan, the court shall sit nine days, if the business require it; and in the county of Hendricks, the court shall sit twelve days, if the business require it; and the courts in the county of Marion shall sit as long as the business shall require; and in the counties of Bartholomew, Boone, and Hamilton, the courts shall sit six days, if the business thereof shall require it.

Which amendment was agreed to, and the section was inserted, and the reported amendment concurred in.

Mr. Lowe moved to strike out the county of Franklin from the 6th judicial circuit and insert the same in the 3d circuit.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Beard of M., Berry, Ewing of Cass, Lowe, Morgan, Mount, Riley, Smiley, Thompson, and Wright—10.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Blair, Bowen, Brady, Chamberlain, Cravens, Dobson, Elliott, Ewing of Allen, Finch, Green, Hackett, Herriott, Kennedy, Kinzer, Lane, Moffatt, Nave, Nickel, Smith, Tannehill, Tuley, Watts and Williams—27.

So said amendment did not prevail.

Mr. Tannehill moved to amend further as follows:

In that part of said amendment which refers to the time of holding courts in the county of Jennings, strike out the words "May and November," and insert the words "April and October."

Which motion did not prevail.

Mr. Herriott moved further to amend the amendment so as to allow the county of Johnson nine days at each term instead of six days.

Which motion was agreed to, and the amendment to the amendment was adopted.

Mr. Bell moved further to amend said amendment, by striking out the county of Madison from the 11th judicial circuit, and reinstating the same in the 5th judicial circuit, and also to amend the time of holding courts in said amendment so as to provide that said courts be held in the county of Hancock on the second Mondays in February and August.

Which motion did not prevail.

Mr. Morgan moved to amend said bill by striking out so much thereof as relates to the time of holding courts in the 3d judicial circuit, and inserting the following:

In the county of Fayette, the third Mondays of March and September; in the county of Franklin, the fifth Monday of March and the first Monday of October; in the county of Decatur, the third Monday of April and the fourth Monday of October; in the county of Rush, the 4th Monday of May and the 2d Monday of November.

Which motion did not prevail.

Mr. Tannehill moved to recommit said bill to the same committee which reported it to the Senate.

Which motion did not prevail.

On motion of Mr. Elliott said bill was amended as follows:

This act to be in force from and after the first day of June next.

Mr. Lowe moved to lay said bill upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Bell, Brady, Hackett, Hargrove, Herriott, Lowe, Morgan, Mount, Nickel, Stafford, Tannehill, Tuley, Williams and Wright—15.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Berry, Blair, Bowen, Carnan, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Green, Kennedy, Lane, Nave, Riley, Smiley, Stephenson, Thompson, Watt and Watts—23.

So said bill was not laid upon the table.

Ordered, That said bill be engrossed for a third reading.

The Senate then took up bill of the Senate, No. 36, relative to granting relief to contractors upon the public works.

The question being on referring said bill to the select committee to which the bill of the House of Representatives on the same subject had been referred,

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Blair, Cravens, Ewing of Cass, Green, Hackett, Hargrove, Lowe, Morgan, Nickel, Smiley, Smith, Thompson, Watts and Wright—16.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Lane, Mount, Nave, Riley, Stafford, Stephenson, Tannehill, Tuley, Watt and Williams—24.

So said bill was not so referred.

Mr. Bowen moved to amend said bill by adding the following amendment:

*Provided,* That the contractors on the Wabash and Erie canal are exempt from the provisions of the 12th section of this act, but that it is hereby made the duty of the board of public works to progress with that work, as fast as the same can be done, with its own legitimate funds.

Mr. Elliott moved to amend said amendment by adding thereto the following amendment:

*Provided, further,* That nothing in this act contained shall authorize the board of internal improvement to use or appropriate the interest accruing from the sale of the Wabash and Erie Canal lands heretofore sold, to the further prosecution of said work.

Which amendment to the amendment was accepted by Mr. Bowen. And the amendment was amended.

Mr. Wright moved to amend said bill by striking out of the 12th section, the words, "or the board of internal improvement."

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Blair, Carr, Cravens, Ewing of Cass, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nave, Nickel, Smiley, Thompson, Watts and Wright—17.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Lane, Mount, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt and Williams—25.

So said words were not stricken out.

Mr. Ewing of Allen moved to amend said bill, by striking out of the same so much thereof, as relates to the receipt of said treasury notes in payment of principal or interest on the sinking fund of the state bank.

Mr. Morgan moved to amend said amendment by adding thereto, the following words, "or in payments on the surplus revenue fund."

Which amendment to the amendment was accepted by Mr. Ewing:

Mr. Hargrove moved to amend said amendment by striking out so much thereof as relates to the surplus revenue fund.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Finch, Hackett, Hargrove, Herriott, Lane, Mount, Riley, Watt and Williams—21.

*Those who voted in the negative, were,*

Messrs. Arion, Armstrong, Blair, Carr, Cathcart, Cravens, Ewing of Allen, Green, Kennedy, Kinzer, Lowe, Moffatt, Morgan, Nave, Nickel, Smiley, Smith, Stafford, Tannehill, Thompson, Tuley, Watts and Wright—23.

So said words were not stricken out.

Mr. Tuley, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with engrossed bills and joint resolution of the Senate and bill of the House, and find the same truly enrolled, to-wit:

No. 15, An act to change the name of Germantown in Floyd county to that of Galena;

No. 56, An act fixing the time of holding the probate and commissioners courts in the county of Parke and for other purposes;

No. 5, A joint resolution in relation to operations upon the Wabash and Erie Canal;

No. 23, an act to incorporate the New-Washington Seminary.

On motion, the Senate adjourned.

TUESDAY MORNING, JAN. 21.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:



Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof, No. 160, entitled,

An act fixing the times of holding the courts in the 6th judicial circuit;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time;

On motion of Mr. Elliott, the rules of the Senate were suspended, and the bill read a second time now.

Mr. Smith moved to amend said bill as follows:

Strike out the words, "first Monday in March," in 1st section and insert in lieu thereof "the fourth Monday in February," as the time of holding the spring term in the county of Wayne; also strike out the word "summer" in the 2d section, and insert the word "spring;"

Which motion did not prevail.

On motion of Mr. Watt, the rules of the Senate were suspended, and the bill read a third time now;

And the bill passed.

Mr. Watt from the committee on elections, made the following report:

Mr. PRESIDENT—

The committee on elections to which was referred a resolution instructing that committee to inquire into the expediency of so amending the 20th section of an act regulating the mode of doing county business, as to appoint all township officers except constables, and repealing the law so far as the same authorizes the election of said officers, have according to order had those subjects under consideration and have instructed me to report that it is inexpedient to legislate thereon.

And said report was concurred in.

Mr. Cravens presented the petition of H. B. Hukill, Robert McManis and Samuel Sailors, school trustees of a school district in Ripley county, in regard to certain school moneys of said county;

Which was read and referred to the committee on education.

Mr. Green presented a petition and two remonstrances on the subject of a state road from Patriot to Allensville in Switzerland county;

Which were read and referred to the committee on roads.

The Senate proceeded to consider bill No. 36, for the relief of contractors upon the public works, which was under consideration at the last adjournment.

Mr. Ewing of Allen moved to re-consider the vote taken upon the motion of Mr. Hargrove, to strike out of the amendment offered by Mr. Ewing of Allen, so much thereof as relates to the surplus revenue fund;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Bowen, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Hackett, Hargrove, Mount, Tannehill, and Tuley—14.

*Those who voted in the negative were,*

Messrs. Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Brady, Carr, Cathcart, Cravens, Finch, Green, Herriott, Kennedy, Kinzer, Lane, Lowe, Moffatt, Morgan, Nave, Nickel, Riley, Smiley, Smith, Stafford, Thompson, Watt, Watts, Williams and Wright—30.

So said vote was not re-considered.

The question recurring on the adoption of the amendment.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Berry, Blair, Bowen, Brady, Carr, Cathcart, Cravens, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Moffatt, Morgan, Nave, Nickel, Riley, Smiley, Smith, Stafford, Thompson, Tuley, Watts and Wright—30.

*Those who voted in the negative were,*

Messrs. Beard of M., Bell, Carnan, Chamberlain, Clark, Dobson, Elliott, Kennedy, Mount, Tannehill, Watt and Williams—13.

So said amendment prevailed.

And said words were stricken out.

Mr. Nave moved to amend said amendment, by striking it out, and inserting the following as a substitute:

Sec. 1. That for the purpose of furnishing means for the absolute payment to contractors, and of liquidating their debts to laborers and others, and for the purpose of driving from circulation in this state small bills issued by incorporated companies in other states and in substituting in lieu thereof, small bills issued by the State Bank of Indiana, which is hereby authorized through her branches or any of them which may consent thereto, to forthwith issue in bills of the denomination of *one, two and three dollar bills*, to the amount of one million of dollars: *Provided however*, That this provision is only granted upon condition that the State Bank will further loan to the Fund Commissioners upon the credit of the State of Indiana for the purposes aforesaid, the amount last aforesaid in small bills of the denomination aforesaid, at a rate of interest not to exceed six per centum per annum: And



Mr. Cravens, from a select committee made the following report:

Mr. President—

<sup>w</sup> The select committee (usually called the modifying committee,) to <sup>n</sup> whom was referred a resolution of the Senate, introduced by the Senator from Boon, directing said committee to inquire into the expediency of modifying the system of internal improvement, have had that subject under consideration and have directed a bill to be reported confining the operation of the board to three works, one of which is to be the Wabash and Erie canal; and suspending the further sale of bonds for internal improvement purposes until after the first day of January, 1841; and not to be sold thereafter below par; also providing for disposing of the residue of the public works to companies;

Said bill entitled,

No. 97, a bill to amend an act to modify the plan of carrying on the public works, approved Feb. 8, 1839;

Was read a first time, and,

Mr. Bowen moved to suspend the rules of the Senate and read the bill a second time now;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Blair, Bowen, Brady, Carr, Cathcart, Cravens, Dobson, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watts and Wright—30.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Carnan, Chamberlain, Clark, Elliott, Kennedy, Moffatt, Tuley, Watt and Williams—13.

So said rules were suspended, and the bill was read a second time now.

Mr. Blair moved to amend said bill by adding thereto the following: That in the event that Congress should, at its present session, confirm to the State of Indiana, the title to those lands claimed by said state, for the construction of that portion of the Wabash and Erie canal which lies between the mouth of Tippecanoe river and Terre Haute, it shall then be the duty of the Acting Commissioner on said line, to proceed through the Resident Engineer, to the permanent location of that portion of the canal that is not yet permanently located between the towns of Lafayette and Terre Haute, and that until said confirmation is made, it shall be the duty of the Fund Commissioner or Commissioners to keep separate accounts of money expended on that portion of the Wabash and Erie canal which lies east from that which lies west of the mouth of the Tippecanoe river.

Mr. Lane moved to lay said bill on the table, and that 100 copies thereof be printed.

Mr. Chamberlain moved to amend said motion by printing the same number of said amendment with the bill;

Which amendment was agreed to, and one hundred copies of said bill and amendment were ordered to be printed.

The question recurring on laying said bill on the table,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Carnan, Chamberlain, Cravens, Dobson, Elliott, Ewing of Allen, Green, Hackett, Hargrove, Herriott, Kennedy, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Stafford, Stephenson, Tannehill, Thompson, Tuley, and Watt—27.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Bowen, Carr, Cathcart, Clark, Finch, Kinzer, Nickel, Riley, Smiley, Smith, Watts, Williams and Wright—15.  
So said bill was laid upon the table.

On motion of Mr. Brady, the Senate re-considered the vote on the commitment of bill No. 67, and said bill was committed to a committee of the whole Senate, and made the order of the day for to-morrow at 2 o'clock.

The Senate then resumed the consideration of the amendment of Mr. Nave, which was pending at the last adjournment.

Mr. Dobson moved to lay said amendment upon the table.

Mr. Moffatt moved that the Senate adjourn.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Beard of St. Joseph, Beard of Montgomery, Bell, Blair, Bowen, Ewing of Allen, Finch, Herriott, Moffatt, Morgan, Nave, Smiley, Stafford, Stephenson, Watt, Watts, and Williams—18.

*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Brady, Carnan, Carr, Cathcart, Clark, Cravens, Dobson, Elliott, Green, Hackett, Hargrove, Kennedy, Lane, Lowe, Mount, Nickel, Riley, Smith, Tannehill, Thompson, Tuley, and Wright—24.

So the Senate did not adjourn.

Mr. Moffatt moved that the Senate adjourn.

The ayes and noes being ordered,



county business in the county of Dubois, was read a second and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Beard of St. Joseph, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of John J. Deming and others, of Mishawaka, have had the same under consideration, and believing as they do that the prayer of said petitioners is just, have directed me to report in accordance therewith the following bill, and recommend its passage:

Said bill entitled, No. 98, a bill to legalize and confirm the official acts of the several boards of trustees of the village of Mishawaka, was read a first time, and

On motion of Mr. Beard of St. Joseph the rules of the Senate were suspended, and the bill read a second and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Ewing of Cass, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of the county commissioners of Cass county, praying that their acts may be legalized, have had that subject under consideration and have directed me to report the following bill:

Said bill entitled,

No. 99, a bill to legalize certain acts of the county commissioners of Cass county, was read a first time, and

On motion of Mr. Ewing of Cass, the rules of the Senate were suspended, and the bill read a second and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Ewing of Cass, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of James T. Miller, praying for leave to establish a public ferry across the Wabash, have had that subject under consideration, and have directed me to report the following bill:

Said bill entitled,

No. 100, a bill to authorize James T. Miller to keep a public ferry across the Wabash river in Miami county, and for other purposes, was read a first time, and

On motion of Mr. Chamberlain, said bill was amended so as to require said Miller to pay the charges for publishing said act in the Peru Gazette.

On motion of Mr. Ewing of Cass, the rules of the Senate were suspended, and the bill read a second and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Wright from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to whom the bill of the Senate number 68, entitled, a bill to incorporate the Rockville, Parke county, Female Seminary, was referred, have had that subject under consideration, and have made the following amendments thereto, in which the concurrence of the Senate is respectfully requested—at the end of the 10th section of the bill the following:

“Not inconsistent with the constitution and laws of this State and of the United States.”

And the two following additional sections to said bill:

“SEC. 11. That said institution shall not hold real estate to a greater amount than twenty thousand dollars, or if they should become possessed of a greater amount of real estate than the sum aforesaid by devise, purchase, or otherwise, then it shall be the duty of said institution to sell or dispose of the same, and to appropriate the same to the furtherance of the object of education.”

“SEC. 12. The said State of Indiana reserves to herself the right to alter, amend, or annul this charter.”

This act to take effect and be in force from and after its passage.

And said amendments were concurred in, and

On motion of Mr. Wright, the rules of the Senate were suspended, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Arion having obtained leave, introduced a bill entitled, No. 101, a bill to establish the College of Physicians and Surgeons in the city of Madison;

Which was read a first time and ordered to a second reading.

Mr. Lane introduced a bill entitled,

No. 102, a bill for the relief of Conrad Slaser of Vanderburgh county; which was read a first time.

On motion of Mr. Lane, the rules of the Senate were suspended and the bill read a second time now.

On motion of Mr. Wright, the rules of the the Senate were suspended and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Angle, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill No. 28, of the House of Representatives, to regulate the jurisdiction of justices of the peace in the county of Boone, have had the same under con-



sideration, and have instructed me to report the same back to the Senate with one amendment:

Strike the bill out from the enacting clause, and insert a substitute:

Which amendment was concurred in,

And the bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

On motion of Mr. Berry, the Senate took up bill No. 27, to extend the time of payment to purchasers of school lands in Monroe county;

Which bill was read a second time;

On motion of Mr. Berry, said bill was amended by striking out from the enacting clause and inserting a substitute,

And said bill was read a third time, and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Angle presented the petition of John Chrisman and others, in relation to a change in a certain state road therein named; which was read, and

On motion of Mr. Angle, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Angle, Nave, and Beard of M.

On motion of Mr. Blair, the Senate suspended the previous orders of the day, and took up bills upon their second reading.

The bill from the House of Representatives, entitled,

No. 41, a bill to amend an act entitled, "an act to attach one quarter of township No. 30, north of range four east, to the county of Fulton," was read a second time;

On motion of Mr. Chamberlain, said bill was referred to a select committee.

*Ordered*, That said committee consist of Messrs. Chamberlain, Ewing of Cass, and Thompson.

Bill of the Senate, entitled,

No. 12, a bill to regulate the jurisdiction of justices of the peace in Boone county, was read a second time,

And, on motion of Mr. Nave, referred to the committee on the judiciary.

Bill of the Senate, entitled,

No. — a bill declaring a certain county road in Jasper county, a state road, was read a second time, and

On motion of Mr. Cathcart, referred to the same select committee to whom a remonstrance on the same subject had been referred.

Bill of the Senate, entitled,

No. 18, A bill to provide for taking the enumeration of the white male inhabitants, above the age of twenty-one years in this state, was read a second time.

On motion of Mr. Tuley, the rules of the Senate were suspended, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Joint resolution of the Senate, entitled,

No. 14, a joint resolution in relation to a certain mail route therein named, was read a second time.

On motion of Mr. Beard of M., said joint resolution was amended, so as to extend said mail route to Crawfordsville, in Montgomery county.

On motion of Mr. Berry, the rules of the Senate were suspended, and the joint resolution read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Bill of the Senate, entitled,

No. 19, a bill to amend an act entitled an act incorporating congressional townships, and providing for public schools therein, approved February 17, 1838.

Mr. Bowen moved to recommit said bill to the committee on education; and said bill was so referred.

Bill of the Senate, entitled,

No. 23, a bill to amend an act concerning insane persons, approved January 22, 1818, was read a second time, and

On motion of Mr. Kennedy, the rules of the Senate were suspended, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Bill of the Senate, entitled

No. 24, a bill to amend the several acts regulating the practice at law, was read a second time.

On motion of Mr. Thompson, the rules of the Senate were suspended, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Bill of the Senate, entitled,

No. 25, an act in relation to the state house, and for other purposes, was read a second time.

Mr. Mount moved to strike out so much of said bill as provides for the insurance of the state house; which motion did not prevail;

And said bill was ordered to be engrossed for a third reading.

Bill of the Senate, entitled,

No. 28, a bill to abolish capital punishment, was read a second time.

Mr. Angle moved that said bill be indefinitely postponed.

And on motion,

The Senate adjourned.

2 o'clock P. M.

The Senate assembled.

The Senate, according to order, resolved itself into a committee of the whole on the bill subjecting chases in action to the payment of judgments, Mr. Armstrong in the chair.

After considering said bill, the committee rose, reported one amendment thereto and asked the concurrence of the Senate therein,

And said amendment was concurred in, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

The Senate then resumed the consideration of bill No. 28, which was pending at the last adjournment.



The question being on the motion of Mr. Angle to indefinitely postpone said bill,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Carnan, Cravens, Ewing of Cass, Lowe, Morgan, Tannehill, and Tuley—9.

*Those who voted in the negative were,*

Messrs. Beard of M., Bell, Berry, Bowen, Brady, Carr, Clark, Dobson, Elliott, Finch, Green, Hackett, Hargrove, Herriott, Kennedy, Lane, Mount, Nave, Nickel, Riley, Smiley, Stafford, Thompson, Watt, Watts, Williams, and Wright—28.

So said bill was not indefinitely postponed.

The Bill of the House of Representatives, entitled,

No. 71, a bill to amend an act entitled, an act to incorporate the New Harmony Working Men's Institute for mental instruction, was read a second time, and

On motion of Mr. Lane, the rules of the Senate were suspended, and the bill read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Bill of the Senate, entitled,

No. 35, a bill to prohibit the amalgamation of whites and blacks, was read a second time, and

On motion of Mr. Elliott, referred to the committee on the judiciary.

Bill of the Senate, entitled,

No. 37, a bill for the appointment of a special agent, and for other purposes, was read a second time, and

On motion of Mr. Stephenson, laid upon the table.

Bill of the Senate, entitled,

No. 38, a bill amendatory to an act entitled, an act regulating prison bounds, approved February 17, 1838, was read a second time.

Mr. Thompson moved to lay said bill upon the table,

Which motion did not prevail;

On motion of Mr. Bowen, the rules of the Senate were suspended, and the bill read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Bill of the Senate, entitled,

No. 40, a bill to establish a state road therein named, was read a second time, and

On motion of Mr. Bowen, referred to the committee on roads.

Bill of the Senate, entitled,

No. 41, a bill for the relief of Marion county, was read a second time, and

On motion of Mr. Nave, the rules of the Senate were suspended, and the bill read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof. Bill of the Senate, entitled,

No. 63, a bill in relation to the college funds in the counties of Gibson and Monroe, was read a second time, and

On motion of Mr. Bowen, the rules of the Senate were suspended, and the bill read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Bill of the Senate, entitled,

No. 78, bill preparatory to a general system of education, was read a second time;

On motion of Mr. Clark, the preamble to said bill, was stricken out, and the bill ordered to be engrossed for a third reading.

Bill of the Senate, entitled,

No. 43, a bill exempting lands from taxation rendered useless to the owners in consequence of the public works passing through the same, was read a second time, and

On motion of Mr. Thompson, indefinitely postponed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate, No. 97, entitled,

An act to amend an act entitled an act pointing out the mode of levying taxes, and fixing the per centum for state purposes, approved February 15th, 1839, without amendment.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills thereof, as follows, to-wit:

No. 6, an act for the relief of the heirs of Robert Meek deceased;

No. 22, an act to vacate a part of a street in the town of Brookville;

No. 30, an act supplemental to an act relating to public roads and highways, approved February 17, 1838;

No. 160, an act fixing the times of holding the courts in the 6th judicial circuit;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

The following message was received from the Governor by Mr. Moore, his private Secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has this



day approved and signed a joint resolution of the following title, to wit:

A joint resolution in relation to operations on the Wabash and Erie Canal to secure the speedy completion thereof, and for other purposes:

Also, acts of the titles following, to-wit:

An act to change the name of Germantown in Floyd county to that of Galena;

An act fixing the time of holding the probate and commissioners courts in the county of Parke, and for other purposes.

All of which originated in the Senate.

Mr. Tuley, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House, and find them truly enrolled, to-wit:

No. 22, an act to vacate part of a street in the town of Brookville;

No. 30, an act supplemental to an act relating to public roads and highways;

No. 6, an act for the relief of the heirs of Robert Meek, deceased;

No. 160, an act fixing the time of holding the courts in the 6th judicial circuit.

And on motion, the Senate adjourned.

#### THURSDAY MORNING, JAN. 23, 1840.

The Senate assembled.

Mr. Wright, (in behalf of Mr. Foster, Mr. Foster being sick) presented the petition of Moses Hamilton, and others, citizens of the counties of Jay and Blackford, in relation to the boundaries of said counties;

Which was read and laid upon the table.

Mr. Beard of M. presented a petition of John Snively and others, citizens of Montgomery and Boon counties, in relation to a certain state road:

Which was read and referred to a select committee.

Ordered, That Messrs. Beard of M., Angle and Nave, constitute said committee.

Mr. Ewing of Allen presented the petition of Otho W. Gaudy and others, citizens of Whitley and Allen counties, relative to a state road; Which was read and referred to the committee on roads.

Mr. Nave presented the petition of Wm. Butt and George Scott,

contractors upon the public works, asking for interest on debts due them from the state;

Which was read and referred to the committee on canals and internal improvements.

Mr. Hargrove presented certain documents relative to the petition of Joel Baldwin for a divorce;

Which were read and referred to the same select committee to which said petition had been referred.

Mr. Watts presented certain documents relative to the petition of Mariah T. Rush;

Which were referred to the judiciary committee.

Mr. Thompson from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a petition of a number of citizens of New Albany, praying for a Marine Court to be established in said city, for the purposes named in said petition, have, after taking that subject into consideration, instructed me to report, that it is inexpedient to legislate as requested.

Said report was concurred in.

Mr. Thompson from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill remaining with the unfinished business of last session, entitled a bill concerning crime and punishment, have, after due consideration, instructed me to report it to the Senate without amendment and recommend its indefinite postponement.

And said report was concurred in, and the bill indefinitely postponed.

Mr. Thompson from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution instructing an inquiry into the expediency of so amending the 4th section of the act relative to writs of ad quad damnum, as to authorize the issuing of said writ after a mill or mill dam may have been erected, have concluded to report the following bill, entitled,

No. 103, a bill to amend an act allowing and regulating the writ of ad quad damnum, approved Dec. 20, 1823.

Said bill was read a first time and ordered to a second reading.



Mr. Ewing of Cass, from the committee on military affairs, made the following report:

Mr. PRESIDENT—

The committee on military affairs, to whom was referred a bill of the House No. 318, entitled an act for regulating the militia of Indiana, have had that subject under consideration, and have directed me to report the same back to the Senate; and the committee respectfully recommend the passage thereof.

Said bill, entitled,

No. 104, a bill for regulating the militia of Indiana,

Was read a first time;

Mr. Kennedy moved that said bill be indefinitely postponed.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Baird of St. Joseph, Bell, Blair, Cathcart, Cravens, Elliott, Kennedy, Moffatt, Morgan, Nave, Watts and Williams—13.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Beard of M., Berry, Bowen, Brady, Carnan, Carr, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Mount, Nickel, Riley, Smiley, Stephenson, Tannehill, Thompson, Tuley, Watt and Wright—31.

So said bill was not indefinitely postponed.

On motion of Mr. Lowe, said bill was committed to a committee of the whole Senate, and made the order of the day for Saturday next at 2 o'clock.

Mr. Ewing of Allen, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations, to whom was referred a bill of the Senate No. 74, to incorporate the Indiana General Baptist Seminary, have had the same under consideration, and directed me to report the same back to the Senate with the following amendment to the sixth section, to-wit:

*Provided*, That said corporation may own and hold real estate for the use, accommodation and benefit of said seminary, to the value of twenty-five thousand dollars; but all over that amount, shall, within a reasonable time after the same may be acquired, be sold, and the proceeds thereof loaned, or otherwise used for the benefit of said seminary; and not to be re-invested in real estate, the amount thereof that it

may continue to own being limited as aforesaid, and respectfully recommend the concurrence of the Senate therein.

Mr. Thompson moved to amend said proposed amendment so as to say two years instead of a reasonable time;

Which amendment was agreed to, and said report was concurred in.

On motion of Mr. Ewing of Allen, the rules of the Senate were suspended, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Ewing of Allen, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the Senate, No. 41, entitled, a bill to amend an act entitled an act to incorporate the city of New Albany, and to repeal all laws in force incorporating the town of New Albany, have had the same under consideration and have directed me to report the same back to the Senate with the following amendment to the seventh section thereof, to wit:

*SEC. 7. Provided*, That it shall be the duty of the Secretary of State to transmit forthwith to the clerk of Floyd circuit court (to be filed in his office) a certified copy of this act, whose duty it shall be to cause the same to be published in the New Albany Argus and Gazette, provided that the city authorities pay for said publishing: and provided that the legislature retains the right hereafter to amend, alter, or annul any or all of the provisions of this amendment to said charter of incorporation of said city of New Albany," and respectfully recommend the concurrence of the Senate therein.

And said amendments were concurred in.

On motion of Mr. Tuley, the rules of the Senate were suspended, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Nave, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred the report of the Salem Savings Institution, have had the same under consideration, and being unadvised in the premises, have directed me to report the same back to the Senate, and ask to be discharged from any action thereon, And the committee were accordingly discharged.

Mr. Beard of M., having obtained leave, introduced a bill entitled, No. 105, a bill to amend an act entitled "an act to incorporate the Western Literary society of the Wabash College, in the county of Montgomery, approved February 7th, 1835; which was read a first time.

On motion of Mr. Beard of M., the rules of the Senate were suspended and the bill read a second and third times and passed.



*Ordered*, That the House of Representatives be informed thereof.

On motion of Mr. Chamberlain,

*Resolved*, That the Chief Engineer be requested, without unnecessary delay, to lay before the Senate a statement showing that "the usual quantity" of water deemed necessary to supply a canal of the dimensions of the Wabash and Erie canal *west* of Fort Wayne. Also what quantity of water will be required per mile per minute, to supply a canal of the dimensions of the Wabash and Erie canal *east* of Fort Wayne. And also, whether in making the calculation of "52 feet per minute per mile," in his communication to R. Dickerson Esq., Acting Commissioner, Ohio Div. W. and E. canal, of August 1, 1839, any allowance has been made for the increased consumption of water which will be occasioned by the "unusual" size of the canal between Fort Wayne and the State line, and if not, what deduction should be made from the quantity of water available at the St. Joseph feeder, for navigation on account of the increased dimensions of that part of said canal. And also what quantity of water may be desired from the *Erie and Michigan canal*, upon its completion from the feeder to Fort Wayne over and above what the consumption of said canal will require.

And also, if the waters of the Little St. Joseph be used to supply the proposed reservoir in Ohio, referred to in said communication, what effect will the increased current have upon the navigation east of Fort Wayne; and what quantity of water will be required to supply said reservoir per annum, including the usual allowance for lockage and evaporation.

And also to state, whether any alterations have been made in the plan of the Erie and Michigan canal or its *feeder*, with the view principally of supplying the Wabash and Erie canal east of Fort Wayne with water; and if so, what these alterations have been, and what effect such alterations of said feeder will produce upon its navigation, on account of its diminished size and increased current; and whether said alterations are necessary, and if so, why?

And also, in case Ohio persists in the adoption of "the *high level*" on what source will Indiana principally rely for a supply of water for the additional quantity in that event required, if she "takes upon herself the care and responsibility of filling" the said reservoir. And also in case the Wabash and Erie canal should be completed "to the state line by May or June next" as is in the aforesaid communication contemplated, and Ohio should also immediately complete her portion thereof, what probable sacrifice of interest would Indiana annually sustain on account of said deficiency of water during the supposed period annually of 120 days.

And also what would be the cost of a completion of the Erie and Michigan canal from its feeders to Fort Wayne, in addition to the amount of labor now done thereon.

Mr. Baird of St. Joseph having obtained leave, introduced a bill entitled,

No. 106, a bill to repeal an act entitled "an act to amend an act entitled, 'an act regulating the taking up of animals going astray, and

water crafts and other articles of value adrift," which was read a first time, and

On motion of Mr. Thompson, the rules of the Senate were suspended, and the bill read a second time and referred to the judiciary committee.

Mr. Finch laid before the Senate bill No. 121, of the Senate of the United States, introduced by John C. Calhoun, entitled, "a bill to cede the public lands within the limits of the new states, on certain conditions therein mentioned," which was read, and

On motion of Mr. Finch, referred to a select committee.

*Ordered*, That Messrs. Finch, Wright, Tannehill, Blair, Mount, Bowen, Lane, Ewing of Allen, Cravens, Cathcart, and Baird of St. Joseph constitute said committee.

The Senate resumed the consideration of bill number 36, for the relief of contractors upon the public works.

Mr. Brady moved to amend said bill by inserting the following provisos:

*Provided, however*, in order to dispense with as far as possible, the issue of treasury notes herein provided for, it shall be the duty of the board of directors of the state bank, to take into consideration the practicability of extending their issues; and if it shall be ascertained by a correspondence with our fund commissioners in the East, that any amount of funds can be made available out of any of the debts or property due or belonging to the State in a short time; then and in that case the board shall anticipate those funds to that extent, and extend their issues as herein provided for, not exceeding what the bank is already authorized to do, and to order a loan to be made to the State through the branches of the state bank, at an interest not exceeding six per cent; and the fund commissioner or fund commissioners shall pay over to the state bank all the proceeds of said anticipated funds, with the least possible delay.

And it is hereby made the duty of the President of the State Bank, to open a correspondence with our fund commissioners in the eastern cities, with a view to ascertain the prospect of procuring funds for the aforesaid purpose. And if the directors of the state bank shall upon an investigation of the whole subject matter, determine to accommodate the state with a loan as aforesaid, they shall decide to What extent.— And the treasurer and auditor of state shall not be authorized to issue any more treasury note paper than will make up the deficit; taking into consideration the funds that may be obtained through the said bank.

And on motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Ewing of Cass gave notice, that on to-morrow he would move to amend the standing rules of the Senate, so as to provide that at 2 o'clock, P. M. of each day hereafter, the Senate will proceed to take up the orders of the day.



Mr. Tannehill, having obtained leave, made the following report from a select committee.

MR. PRESIDENT—

The select committee to whom was referred bill No. 12, entitled a bill to change the time of holding courts in the 11th judicial circuit, have, according to order, had the same under consideration, and have made these amendments thereto, to-wit: Strike out the word Ripley in the second section of the bill, and insert Jennings, and strike out the word Jennings where it occurs in the same section, and insert the word Ripley; and add to the end of the bill the following, except so far as relates to the 4th section, which shall take effect from and after its passage, and which shall be published in the Indiana Democrat and Journal and the Secretary of State is hereby directed to furnish a copy of said section to each of the clerks of the counties named in said section; to which I am directed to ask the concurrence of the Senate.

Which report was concurred in.

On motion of Mr. Brady, the rules of the Senate were suspended, the bill considered as engrossed, read a third time and passed.

On motion of Mr. Brady, the title of said bill was changed so as to read as follows:

A bill to change the time of holding the circuit courts, in the several circuits therein named, and for other purposes.

Ordered, That the House of Representatives be informed of the passage of said bill.

Mr. Ewing of Allen, having obtained leave, introduced a bill entitled,

No. 107, an act providing for selecting, rating, and selling lands yet due on the Wabash and Erie Canal east of the mouth of the Tippecanoe river, and for other purposes, which was read a first time,

On motion of Mr. Ewing of Cass, the rules of the Senate were suspended, and the bill read a second time,

On motion of Mr. Stephenson, said bill was recommitted to the committee on canals and internal improvements.

Mr. Ewing of Cass moved that said committee be instructed to make their report on said bill during the present week.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Berry, Blair, Brady, Carnan, Cathcat, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Nave, Nickel, Smiley, Smith, Stephenson, Tannehill, Tuley and Wright—26.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M.,

Bell, Bowen, Carr, Cravens, Herriott, Kennedy, Morgan, Mount, Riley, Stafford, Watt, Watts and Williams—18.

So said instructions were adopted.

The Senate resumed the consideration of the amendment of Mr. Brady to bill No. 36, which was pending at the last adjournment.

The question being on the adoption of said amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Clark, Ewing of Cass, Ewing of Allen, Lane, Moffatt, Mount, Smith, Stafford, Stephenson, Watt and Williams—20.

*Those who voted in the negative, were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Tannehill, Thompson, Tuley, Watts and Wright—25.

So said amendment was not adopted.

On motion of Mr. Baird of St. Joseph, said bill was laid upon the table.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred the bill of the Senate entitled a bill providing for the selection, rating, and selling lands yet due on the Wabash and Erie canal east of the mouth of the Tippecanoe river and for other purposes, have had the subject matter of that reference before them. And inasmuch as it is a subject of much importance, your committee are not willing to say, that with other official duties they can do it justice within forty eight hours. A portion of your committee are notified to attend on the judiciary committee on to-morrow evening, and this evening on other subjects connected with their official duties.

Such a restriction perhaps never was thrown around such a committee similarly situated, as to require them unconditionally to report upon so important a subject within such limited time. And further your committee believe that such a requisition is illiberal and unjust, and tantamount to saying that they have hitherto been negligent in the discharge of official duties. Ever anxious to discharge every official duty respectfully required of your committee by the Senate, and being conscious of having punctiliously done so, we are unwilling to say we can do said subject justice within said time, and therefore return said bill to the Senate without examination.

BAIRD, of St. Joseph, Ch'n.



P. S. Your committee would be entirely willing, in the absence of such restrictions to do said subject full justice.

BAIRD, chairman.

On motion of Mr. Ewing of Cass, the bill referred to in said report was referred to a select committee.

Ordered, That Messrs. Ewing of Cass, Blair and Stephenson, constitute said committee.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have concurred in the amendment of the Senate to bill No. 42 of the House entitled,

An act to amend an act fixing the times of holding courts in the 4th judicial circuit;

Also, in the amendment of the Senate to a joint resolution of the House;

No. 67, a joint resolution in relation Edward M. Beckwith.

Also, an amendment of Senate to bill No. 80, entitled an act regulating the jurisdiction of justices of the peace in Jackson county;

The House of Representatives have also passed an engrossed bill of the Senate, No. 21, entitled,

An act for the relief of A. W. Nowe, without amendment.

On motion, the Senate adjourned.

#### FRIDAY MORNING, JAN. 24.

The Senate assembled.

On motion of Mr. Kennedy, the select committee to whom was referred the bill of the House of Representatives, entitled, No. 75, a bill for the immediate relief of contractors and others engaged on the public works, had leave to report.

Mr. Cravens, from said committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House of Representatives, number 75, entitled "a bill for the immediate relief of contractors and others engaged on the public works," have had the same under consideration, and a majority of the committee have directed the bill to be reported to the Senate with one amendment, and ask the concurrence of the Senate therein—Messrs. Angle, Clark, and Cravens voting against it.

On motion of Mr. Elliott, said bill was committed to a committee of the whole Senate, and made the order of the day for now, Mr. Lowe in the chair.

On motion of Mr. Elliott, bills of the Senate numbers 36 and 49, on the same subject, were referred to the same committee.

After some time spent in consideration of said bills the committee rose, reported progress, and asked leave to sit again.

Leave being granted to sit again,

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Ewing of Cass, according to notice given on yesterday, offered for adoption the following resolution:

*Resolved*, That the standing rules of the Senate be so amended, as that on each day of this session the orders of the day shall be taken up at two o'clock P. M.

And said resolution was adopted.

On motion of Mr. Brady, the Senate again resolved itself into a committee of the whole on the bills for the relief of contractors upon the public works, which were pending at the last adjournment.

After some time spent in consideration of said bills, the committee rose, reported sundry amendments, and asked the concurrence of the Senate, to be discharged.

The following amendment from the committee being under consideration, to wit:

"That all notes of the denomination of five dollars be made payable in one year."

The question being on concurring in said amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Moffatt, Mount, Nave, Nickel, Riley, Smiley, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, and Williams—39.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Kennedy, Lane, Lowe, Morgan, and Wright—6.

So said amendment was concurred in.

Amendment of the committee to section 4, of bill number 75, as follows:

After the word legislature in the 31st line, insert the following words: "or boards of internal improvement."

The question being on concurrence,

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Lane, Moffatt, Mount, Stafford, Stephenson, Tannehill, Tuley, Watts and Williams—26.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nave, Nickel, Smiley, Thompson, Watts, and Wright—19.

So said amendment was concurred in.

Further amendment to section 4 of said bill, as follows:

*Provided*, That if any contractor shall consent to relinquish his contract, that the board of internal improvement be hereby authorized to pay him any damages he may sustain by such relinquishment, in the way of preparations for the prosecution of his contract, and to ascertain the amount of damages to be paid, it shall be the duty of the board of internal improvement to select some person on behalf of the state, the contractor wishing to relinquish to choose another, and these two shall select a third man, which three shall constitute the board of assessment for that particular case, reserving the right to either party to appeal as provided in the case of damages assessed, as heretofore provided by law.

The question being on concurrence,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Carnan, Cathcart, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hackett, Herriott, Lane, Lowe, Moffatt, Mount, Nave, Smiley, Stafford, Stephenson, Tannehill, Tuley, Watt, Watts, and Williams—36.

*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Blair, Carr, Cravens, Green, Hargrove, Kennedy, Kinzer, Morgan, Nickel, Riley, Thompson, and Wright—14.

So said amendment was concurred in.

The following amendment was concurred in:

*“Provided*, That in the absence of the fund commissioners, then it shall be the duty of the treasurer of state to pay out said treasury notes, under the provisions of this act.”

The following amendment to section 4 was concurred in.

Strike out of section 4 the following words:

“that nothing herein contained shall be so construed as to interfere

with the prosecution of the Wabash and Erie canal, so far as its own legitimate funds are concerned.” And insert

*“Provided*, That the contractors on the Wabash and Erie canal are exempt from the aforesaid provisions; but that it is hereby made the duty of the board of public works to progress with that work, as fast as the same can be done with its own legitimate funds,

*Provided further*, That nothing in this act contained shall authorize the board of internal improvement to use or appropriate the interest accruing from the sale of the Wabash and Erie canal lands heretofore sold, to the further prosecution of said work.

On motion of Mr. Armstrong, the fifth section of said bill was amended as follows:

Strike out of the latter clause of said section the following words:

“It shall also be the duty of the several collectors, when receiving said treasury notes in payment of state revenue, to endorse on the same the time when the same were received,” and insert the following:

“It shall be the duty of collectors, when receiving said treasury notes for revenue, to allow interest on the same to the first of November of the year he may receive the same; and the treasurer of state shall allow the collector, on payment of said notes into the treasury, interest on the same to the same date.”

Mr. Cravens moved to amend said section number 5, by striking out of the 7th line thereof, the words; “and all other claims in favor of the state.”

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Baird of St. Joseph, Blair, Carr, Cathcart, Cravens, Finch, Green, Hackett, Kinzer, Lowe, Moffatt, Morgan, Nave, Nickel, Smiley, Stafford, Stephenson, Tannehill, Thompson, Watts and Wright—22.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Hargrove, Herriott, Lane, Mount, Riley, Tuley, Watt and Williams—21.

So said words were stricken out.

Mr. Moffatt moved further to amend said 5th section as follows:

Add, after the words “treasury notes” in the 5th line of said section, the following words, “after maturity.”

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. J. Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Herriott, Moffatt, Mount, Nave, Riley, Stafford, Stephenson, Watt and Williams—23.



*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Carr, Cathcart, Cravens, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nickel, Smiley, Tannehill, Thompson, Tuley, Watts and Wright—20.

So said words were inserted.

Mr. Tuley, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with engrossed bills, and find the same truly enrolled, as also the following joint resolution, to-wit:

No. 21, of the Senate,

An act for the relief of A. W. Noe;

No. 97, of the Senate,

An act to amend an act entitled, an act pointing out the mode of levying taxes, and fixing the per centum for state purposes;

No. 42 of the House,

An act to amend an act fixing the times of holding courts in the 4th judicial circuit;

No. 80, of the House,

An act regulating the jurisdiction of justices of the peace in Jackson county;

No. 67, of the House,

A joint resolution in relation to Edward M. Beckwith.

And on motion, the Senate adjourned.

#### SATURDAY MORNING, JAN. 25.

The Senate assembled.

Mr. Cathcart, from the committee on roads, made the following report:

MR. PRESIDENT—

The committee on roads, to whom was referred the petition of Wm. Cunningham and others of Switzerland county, and two remonstrances of the citizens of said county upon the subject of the re-location of a portion of a state road therein named, have had the same under consideration, have directed me to report that they conceive legislation upon said subject to be inexpedient at this time, and ask to be discharged from the further consideration thereof.

And said committee were accordingly discharged.

Mr. Cathcart, from the committee on roads, made the following report:

MR. PRESIDENT—

The committee on roads, to whom was referred a bill, No. 40, to establish a state road therein named, have instructed me to report the same back to the Senate without amendment.

Said bill was read a third time and passed;

*Ordered*, That the House of Representatives be informed thereof.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred the petition of William Butt and George Scott, praying that they might be allowed interest upon their claims for services done on the White Water canal, at the time they claim payment instead of from the date of their settlement and certificate with the board of internal improvement, have had the subject matter of said petition before them, and directed me to report, that the question involved in said petition is to be sure an important one, but they believe that they if there be justice in said claim, there are many others similarly situated, embracing the common laborers and hands upon the public works, as well as other contractors upon said works. We believe that partial legislation on a subject of so much importance would be impolitic and unwise, and afford a just cause of complaint to numerous others of our fellow citizens whose claims are equally meritorious with said petitioners. And further, your committee question the policy of answering the prayer of said petitioners by legislative enactment, and have therefore directed me to report that it is inexpedient to legislate on said subject, asking at the same time to be discharged from the further consideration thereof.

And said committee were accordingly discharged.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a resolution in the following words, "that the committee on canals and internal improvements be instructed to inquire into the expediency of having the route of the Wabash and Erie Canal from Lafayette to Terre Haute permanently located the ensuing season," have had the same under consideration and directed me to report, that that subject is now before the Senate in a different form, and therefore legislation on said resolution is inexpedient. Your committee ask to be discharged from the further consideration thereof.

And said committee were accordingly discharged.



Mr. Chamberlain from the judiciary committee made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred the petition of George Crawford and James R. McCord for relief, have had the same under consideration and directed me to report a bill in conformity with the prayer of said petitioners.

Said bill entitled, No. 108, a bill for the relief of George Crawford and James R. McCord was read a first time;

On motion of Mr. Bell, the rules of the Senate were suspended, and the bill read a second time;

On motion of Mr. Chamberlain, the rules of the Senate were further suspended, and the bill read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Lane, the Senate suspended the previous orders of business, and took up the bill for the relief of contractors and others upon the public works, which was pending at the last adjournment.

Mr. Brady moved the reconsideration of the vote taken on yesterday evening on Mr. Moffatt's motion to amend the 5th section of the bill which provides that treasury notes be received for taxes "after maturity."

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Bell, Brady, Carr, Cathcart, Cravens, Dobson, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nickel, Smiley, Tannehill, Thompson, Tuley, Watts and Wright—27.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Berry, Blair, Bowen, Carnan, Chamberlain, Clark, Ewing of Allen, Moffatt, Nave, Riley, Stafford, Stephenson, Watt, and Williams—17.

So said vote was reconsidered.

The question again recurring on the adoption of said amendment;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Berry, Bowen, Carnan, Chamberlain, Clark, Ewing of Allen, Moffatt, Riley, Stafford, Stephenson, Watt and Williams—15.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Bell, Blair, Brady, Carr, Cathcart, Cravens, Dobson, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nickel, Smiley, Tannehill, Thompson, Tuley, Watts and Wright—28.

So said amendment was not adopted.

Mr. Brady moved to amend said 5th section by inserting the following words:

That the five dollar notes, be receivable for taxes in 1840 and the fifty dollar notes in 1841;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Beard of M., Bell, Berry, Blair, Brady, Carnan, Cathcart, Chamberlain, Dobson, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Mount, Nickel, Riley, Smiley, Stafford, Tannehill, Tuley, Watt, Watts, Williams and Wright—30.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Bowen, Carr, Clark, Cravens, Ewing of Allen, Kennedy, Moffatt, Stephenson, and Thompson—13.

So said amendment was adopted.

Mr. Armstrong moved to amend said 5th section as follows:

Strike out all of said section except that part thereof which authorizes the receipt of said treasury notes for taxes;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Carr, Cravens, Green, Hackett, Hargrove, Moffatt, Morgan, Stafford, Stephenson, Thompson, and Watts—12.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Cathcart, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Kennedy, Kinzer, Lane, Lowe, Mount, Nickel, Riley, Smiley, Tannehill, Tuley, Watt, Williams and Wright—29.

So said amendment did not prevail.

On motion of Mr. Armstrong, said 5th section was further amended as follows:



*Provided*, That any amount of said five dollar notes which may be outstanding after the expiration of said year 1840, shall be receivable for taxes due the state at any period thereafter.

Mr. Moffatt moved further to amend said 5th section by adding the following:

*And provided*, That the treasury notes which may be received for taxes as aforesaid, shall be received by all officers of the state government for their salaries, and by the members of the legislature for their per diem allowance; or they shall wait one year for their pay, or until the state shall obtain the means for their redemption; and the Treasurer of State is hereby authorized to re-issue the same.

Mr. Baird of St. Joseph moved to amend said amendment, as follows:

And said act shall apply to the members of the present general assembly;

And said amendment to the amendment was agreed to.

The question being on the adoption of the amendment as amended;  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. J., Beard of M., Bell, Berry, Bowen, Chamberlain, Dobson, Ewing of Allen, Kennedy, Moffatt, Riley, Stephenson, Watts, Williams and Wright—16.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Blair, Brady, Carnan, Carr, Cathcart, Clark, Cravens, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Mount, Nickel, Smiley, Smith, Stafford, Tannehill, Thompson, Tuley and Watt—28.

Sa said amendment was not adopted.

The following amendment of the committee being under consideration, viz:

Strike out of the bill of the House the 5th section thereof, and insert in lieu thereof section No. 8 of bill No. 36 of the Senate;

The question being on striking out,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Blair, Bowen, Chamberlain, Clark, Ewing of Allen, Moffatt, Stafford, Stephenson, and Williams—13.

*Those who voted in the negative were,*

Messrs. Armstrong, Bell, Berry, Brady, Carnan, Carr, Cathcart, Cravens, Dobson, Elliott, Ewing of Cass, Finch, Green, Hackett,

Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nickel, Riley, Smiley, Smith, Thompson, Tuley, Watt and Watts—31.

So said section was not stricken out.

The amendment of the committee, as follows, being under consideration, viz:

Strike out of said bill section No. 6, and insert the following substitute:

That it shall be the duty of the Treasurer, should he receive from the Fund Commissioners any money or moneys for the redemption of these notes, before the expiration of the time they have to run, to deposit the same in the State Bank of Indiana, provided the branches of said bank will undertake to redeem such notes with the funds so deposited when presented.

The question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Kennedy, Moffatt, Mount, Riley, Stafford, Stephenson, Tannehill, Watt and Williams—23.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nickel, Smiley, Smith, Thompson, Tuley, Watts and Wright—22.

So said section was stricken out.

Mr. Armstrong moved further to amend said amendment by inserting instead thereof the following proviso:

*Provided*, That nothing in this act shall be so construed as to be deemed or taken as an additional appropriation to the system of internal improvement;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Carr, Cathcart, Cravens, Finch, Green, Hackett, Kinzer, Lowe, Morgan, Nickel, Thompson, Watts and Wright—14.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Hargrove, Kennedy, Lane, Moffatt, Mount, Riley, Smiley, Smith, Stafford, Tannehill, Tuley, Watt and Williams—29.



So said proviso was not adopted.

The question recurring on inserting the said amendment of the committee.

Mr. Tuley moved to add to the amendment of the committee, the following words:

Provided the exchange accruing on said funds to be received from the east, shall be saved to the state;

Which amendment was agreed to.

Mr. Carnan moved further to amend said amendment, by adding the following words:

Provided that any officer or agent of the bank or banks, who shall purchase any of these notes for a less sum than their face, with the funds so deposited, shall be subject to all the penalties of the 9th section of this act.

Mr. Tuley, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills have presented to his Excellency the Governor, for his approval and signature, the following bills which originated in the Senate, to-wit:

No. 21, an act for the relief of A. W. Noe;

No. 97, an act to amend an act pointing out the mode of levying taxes and fixing the per centum for state purposes, approved Feb. 15, 1839;

And, on motion,

The Senate adjourned.

# MONDAY MORNING, JAN. 26.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof,

No. 119, an act to fix the times of holding the courts in the 5th judicial circuit;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time;

On motion of Mr. Nickel, the rules of the Senate were suspended, and the bill read a second time;

Mr. Kennedy moved to strike out of said bill so much thereof as requires the publication of said bill in Indiana Democrat and Indiana Journal.

Which motion did not prevail.

On motion of Mr. Nickel, the rules of the Senate were suspended, and the bill read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Harris, their Clerk:

Mr. PRESIDENT:

The House of Representative have passed engrossed bills thereof as follows:

No. 29, an act to amend an act establishing probate courts and defining the duties of executors;

No. 82, an act to amend an act to incorporate the Lawrenceburgh bridge company, approved January 24, 1831;

In which the concurrence of the Senate is respectfully requested.

Bill No. 29 was read a first time;

On motion of Mr. Thompson, the rules of the Senate were suspended, and the bill referred to the judiciary committee.

Bill No. 82 was read a first time;

On motion of Mr. Watts, the rules of the Senate were suspended, and the bill read a second time and referred to the committee on corporations.

The following message was received from the House of Representatives by Mr. Long, a member:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill,

No. 76, to provide for the formation of the county of Van Buren, and other purposes;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time:

On motion of Mr. Baird of St. Joseph the rules of the Senate were suspended, and the bill read a second time.

On motion of Mr. Wright, the bill was referred to the judiciary committee.

The following message was received from the House of Representatives, by Mr. Harris, their Clerk:



Mr. President—

The House of Representatives have passed a memorial and joint resolution thereof,

No. 132, a memorial and joint resolution of the General Assembly, relative to the town of Indianapolis;

In which the concurrence of the Senate is respectfully requested.

Said joint resolution was read a first time;

On motion of Mr. Brady, the rules of the Senate were suspended, and the bill read a second time.

On motion of Mr. Chamberlain, said bill was referred to the committee on the affairs of the town of Indianapolis.

The following message was received from the House of Representatives, by Mr. Harris, their Clerk:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills thereof as follows, to wit:

No. 212, an act to amend an act entitled an act fixing the times of holding courts in the fourth judicial circuit,

No. 80, an act regulating the jurisdiction of justices of the peace in Jackson county;

Also a joint resolution of the House,

No. 67, a joint resolution in relation to Edward M. Beckwith;

I am directed to bring the same to the Senate for the signature of the President thereof.

The House of Representatives have also passed an engrossed bill of the Senate,

No. 64, entitled an act granting relief in a certain case therein named, without amendment.

The House of Representatives have also passed engrossed bills and joint resolutions thereof as follows, to wit:

No. 19, an act to repeal so much of an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named, as relates to the counties of Clinton, Delaware and Hancock;

No. 44, an act to incorporate the Point Commerce Manufacturing and Trading Company;

No. 51, an act authorizing the Vanderburgh Lyceum to sell or donate, transfer and convey real estate;

No. 70, an act to amend an act entitled, an act incorporating a seminary in the county of Gibson and for other purposes, approved January 21st 1826, so far as relates to the county Seminary of the county of Orange.

No. 77, an act to dissolve the bands of matrimony between Charles Fullerton and Eleanor Fullerton;

No. 84, an act to incorporate the city of Richmond in Wayne county, Indiana;

No. 86, an act to relocate the seat of justice in the county of La-grange;

No. 87, an act to rebuild the bridge across Laughery creek in Ripley county;

No. 88, an act to enlarge the powers of the probate court of Marion county in a certain case therein named;

No. 89, an act to vacate the town of Voltanville;

No. 90, an act to change the name of the town of Wilmington in Rush county;

No. 91, an act to legalize the acts of the trustees of the town of Rockport in Spencer county and for other purposes;

No. 64, an act declaring certain names therein misprints;

No. 95, an act to regulate the jurisdiction of justices of the peace in Boone county;

No. 97, an act to incorporate the town of Noblesville in the county of Hamilton, Indiana;

No. 98, an act to repeal an act entitled, an act to vacate a state road from Corydon in Harrison county to the Ohio river opposite the mouth of Salt river;

No. 99, an act concerning the tax imposed upon the land of residents in the county of Pike for the purpose of opening and repairing roads and highways;

No. 100, an act to locate a state road in the counties of Tippecanoe and Jasper;

No. 101, an act to establish a state road therein named;

No. 102, an act to authorize the election of an additional justice of the peace in Wayne township in Marion county;

No. 103, an act to locate a state road in the county of Green;

No. 107, an act to authorize Stephen Barns to build a mill dam across White river.

No. 107, an act to incorporate the Governor's Guards of Gentrys-ville;

No. 110, an act to legalize the proceedings of the board of commissioners of De Kalb county;

No. 113, an act to repeal an act entitled, an act to incorporate the Greencastle Savings Institute and Manufacturing and Trading Company, approved February 16, 1839;

No. 116, a joint resolution in relation to coining of gold dollars, &c.

No. 117, an act concerning a school section in Tippecanoe county;

No. 118, an act to incorporate the Anderson River bridge company;

No. 121, an act to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance company;

No. 122, an act to legalize the proceedings of the board doing county business in Huntington county;



No. 124, an act to provide for the election of a justice of the peace and constable in the town of Canton in Washington county;

No. 126, an act to provide for the election of a justice of the peace in the town of Macksville in Vigo county;

No. 129, an act to authorize John T. Wheeler, a minor, to sell real estate;

No. 136, an act for the relief of William Kampton;

No. 137, a joint resolution relative to the Secretary of State's office;

No. 138, an act to provide for the election of a justice of the peace in the town of Bainbridge in Putnam county;

No. 140, an act authorizing Daniel M. Ingersoll and James Jessup to build a mill dam across Eel river in Green county;

No. 141, an act to incorporate the city of Fort Wayne;

No. 143, a joint resolution relative to the two White rivers;

No. 144, a joint resolution in relation to a grant of lands for an asylum for deaf mutes and blind persons;

No. 145, an act relative to the three per cent. fund in Spencer county;

No. 155, an act to incorporate the Walnut Ridge Cemetery;

No. 156, an act to incorporate the Fort Harrison Guards;

In which the concurrence of the Senate is respectfully requested.

Bill No. 19 in said message, were read a first time.

On motion of Mr. Kennedy, the rules of the Senate were suspended, the bill read a second time and referred to a select committee, consisting of one member from each county named in said bill.

Ordered, That said committee consist of Messrs. Kennedy, Bell, and Finch.

Bill No. 44, was read a first time.

On motion of Mr. Dobson, the rules of the Senate were suspended, the bill read a second time, and referred to the committee on corporations.

Bill No. 51, was read a first time;

On motion of Mr. Lane, the rules of the Senate were suspended, and the bill read a second time.

Mr. Chamberlain moved that said bill be committed to the committee on corporations.

Mr. Lane moved that said bill be referred to the committee on the judiciary.

And the bill was committed to the committee on the judiciary.

Bill number 70, was read a first time.

On motion of Mr. Riley the rules of the Senate were suspended, and the bill read a second time and referred to the committee on corporations.

Bill number 77, was read a first time.

On motion of Mr. Hargrove, the rules of the Senate were suspended, and the bill read a second time.

Mr. Kennedy moved that said bill be indefinitely postponed.

During the pendency of which question, the following message was

received from the House of Representatives by Mr. Harris their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed the following resolutions, to wit:

*Resolved*, That the members and officers of the House of Representatives, as a mark of respect for the Hon. William Shields, late a member of this House from the county of Jackson, will wear crape on the left arm during the remainder of this session.

*Resolved*, That arrangements be made at the expense of the state, to convey the body of the deceased to his family residence.

*Resolved*, That as a tribute of respect for the character and virtues of the deceased, the members of this House, Governor and officers of state will form in procession at the capitol at 3 o'clock P. M. and move in that order to Mr. John Elder's boarding house, and from thence attend the deceased to the limits of the city, and that the Senate be informed of the adoption of these resolutions, and their concurrence respectfully requested.

On motion of Mr. Armstrong, the bill No. 77 was laid upon the table.

On motion of Mr. Armstrong the resolutions of the House of Representatives, just received, were unanimously reciprocated.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Carr, the following resolutions were unanimously adopted.

*Resolved*, That this Senate entertain for the memory of the Hon. William Shields, late Representative from the county Jackson, the highest regard and can well appreciate the loss sustained by that branch of the legislature of which he was a member, deprived, as they are, by his death, of the services of an honest man and faithful guardian of the interests entrusted to his care.

*Resolved*, That the President, members, and officers of this Senate will wear crape on the left arm during the remainder of this session.

*Resolved*, That a copy of the above resolutions be transmitted to the family of the deceased, that they may be informed of the estimation placed upon the character and reputation of our deceased associate by those who are not ignorant of his former worth.

*Resolved*, That the Senate will immediately adjourn until to-morrow morning at the usual hour.

On motion of Mr. Armstrong, leave of absence was granted to Mr. Carr, Senator from the counties of Jackson and Scott, until Monday next, for the purpose of attending the remains of the deceased to his late residence in Jackson county.

And the Senate adjourned.



TUESDAY MORNING, JAN. 28.

The Senate assembled.

On motion of Mr. Bowen, the previous orders of the Senate were suspended, and the following message from the House of Representatives, was taken up:

MR. PRESIDENT—

The House of Representatives have passed the following resolution, to wit:

*Resolved*, That the election for bank directors, the Senate concurring therein, shall be postponed until to-morrow at 2 o'clock;

In which the concurrence of the Senate is respectfully requested.

Mr. Bowen moved that the Senate concur in said resolution.

Mr. Ewing of Cass moved that the Senate concur in said resolution with an amendment, viz: That the election take place this day at 10 o'clock:

Which motion prevailed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Thompson moved that the Senate agree to take up the bills for the relief of contractors upon the public works, as soon as the election of directors of the State Bank shall have been concluded, and continue to act on the same until finally disposed of;

Which motion prevailed.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred the petition of Jesse Cole, sen., and many others, citizens of the county of Ripley, praying that they might be relieved from taxation, and beseeching this legislature, as the constitutional guardians of the domestic happiness of the people of our state, so to modify, reduce and re-model the system of internal improvements in our state, as to put a stop to an increase of their burthens, &c. &c., have had the same under consideration and directed me to report, that however desirable it may be to do something for the relief of our fellow citizens, yet, that legislation according to the prayer of said petition is inexpedient; they therefore ask to be discharged from the further consideration thereof;

And said committee were accordingly discharged.

Mr. Watts moved that said report and petition be referred to the select committee commonly called the modifying committee;

Which motion was agreed to.

And said report and petition were so referred.

Mr. Wright moved that the following instructions be sent to said committee, viz:

To report a bill giving to each of the counties not benefitted by the system of internal improvement of 1836, the three per cent. fund that may hereafter be coming to the state, or that may not now be distributed;"

Which motion did not prevail.

Mr. Baird of St. Joseph, having obtained leave, introduced a bill, entitled,

No. 110, a bill relative to a state road therein named.

Which was read a first and second times and referred to the committee on roads.

Mr. Angle, having obtained leave, introduced a bill, entitled,

No. 111, a bill to locate a state road in the county of Boon;

Which was read a first and second times and referred to the committee on roads.

On motion of Mr. Ewing of Allen, the Senate took up bill,

No. 73, entitled an act to amend an act to regulate the jurisdiction of justices of the peace in Allen county;

Which was read a second time, and,

On motion of Mr. Ewing of Allen, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Ewing of Allen, Baird of St. Joseph and Angle.

Mr. Watts presented the remonstrance of Cornelius Miller and others, in relation to the claim of Mariah T. Rush;

Which was referred to the judiciary committee.

Mr. Carnan presented the petition of John Ralph and others, citizens of Daviess, Pike and Dubois, on the subject of a fraudulent sale of a certain school section therein named;

Which was read and referred to the judiciary committee.

Mr. Hackett, from the committee on unfinished business, made the following report:

MR. PRESIDENT—

The committee on the unfinished business of the last session, have had a part of said business, (not heretofore reported on) under further consideration and have instructed me to report to the Senate, bill No. 445 of the House of Representatives, entitled a bill to incorporate the Spencer county Working Man's Institute, and recommend the reference of said bill to the committee on corporations.

Said bill (now No. 112,) was read a first time, and,

On motion of Mr. Hackett, the rules of the Senate were suspended, and the bill read a second time and referred to the committee on the judiciary.



Mr. Williams, from the judiciary committee made the following report:

FRIEND PRESIDENT—

The judiciary committee to whom was referred a resolution of inquiry in relation to furnishing county surveyors with certain parts of the laws of the United States, have had the same under consideration, and have directed me to report the following bill, entitled,

No. 113, a bill in relation to county surveyors;

Said bill was read a first time;

On motion of Mr. Brady, the rules of the Senate were suspended, and the bill read a second time and ordered to a third reading.

Mr. Chamberlain, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of John Longacre praying for a divorce, have had that subject under consideration, and have authorized me to report a bill granting the prayer of said petitioner.

Said bill entitled, No. 114, a bill for the relief of John Longacre was read a first time, and ordered to a second reading;

Mr. Nave introduced a bill entitled No. 115, a bill for the relief of judgment debtors on judgments hereafter taken.

Which was read a first time and ordered to a second reading.

The hour of 10 o'clock having arrived, the Senate, with closed doors, proceeded to the election of two directors of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of Lucius H. Scott, and the vacancy occasioned by the expiration of the term of service of Alexander Worth.

And the Senate determined first to ballot to fill said vacancy of Lucius H. Scott,

When upon counting the votes upon the first ballot it appeared that

|                          |   |   |   |           |
|--------------------------|---|---|---|-----------|
| Isaac C. Elston received | - | - | - | 24 votes, |
| Jacob Walker             | " | - | - | 14 "      |
| Joseph Orr               | " | - | - | 1 "       |
| Wm. Hendricks            | " | - | - | 4 "       |
| Blank                    | " | - | - | 1 "       |

Mr. Elston having received a majority of all the votes given the president announced the result.

The Senate then proceeded to ballot to fill the vacancy of Alexander Worth.

When upon counting the votes upon the first ballot, it appeared that

|                                  |   |   |   |          |
|----------------------------------|---|---|---|----------|
| Joseph C. Eggleston had received | - | - | - | 9 votes, |
| Joseph Orr                       | " | - | - | 9 "      |
| William Hendricks                | " | - | - | 8 "      |
| George P. Buell                  | " | - | - | 12 "     |

|              |   |   |   |   |     |
|--------------|---|---|---|---|-----|
| Robert Hanna | " | - | - | - | 5 " |
| James Blake  | " | - | - | - | 1 " |
| Scattering   | " | - | - | - | 1 " |

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to ballot a second time to fill said office.

And upon counting the votes upon the second ballot it appeared that

|                                  |   |   |   |          |
|----------------------------------|---|---|---|----------|
| Joseph C. Eggleston had received | - | - | - | 9 votes, |
| Joseph Orr                       | " | - | - | 11 "     |
| William Hendricks                | " | - | - | 6 "      |
| George P. Buell                  | " | - | - | 17 "     |
| James Blake                      | " | - | - | 1 "      |
| Robert Hanna                     | " | - | - | 1 "      |

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to ballot a third time to fill said office.

And upon counting the votes upon the third ballot, it appeared that

|                                  |   |   |   |           |
|----------------------------------|---|---|---|-----------|
| Joseph C. Eggleston had received | - | - | - | 11 votes, |
| Joseph Orr                       | " | - | - | 11 "      |
| William Hendricks                | " | - | - | 6 "       |
| George P. Buell                  | " | - | - | 17 "      |

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to ballot a fourth time to fill said office,

And upon counting the votes upon the fourth ballot, it appeared that

|                              |   |   |   |           |
|------------------------------|---|---|---|-----------|
| George P. Buell had received | - | - | - | 17 votes, |
| Joseph Orr                   | " | - | - | 10 "      |
| Joseph C. Eggleston          | " | - | - | 13 "      |
| William Hendricks            | " | - | - | 4 "       |
| Scattering                   | - | - | - | 1 "       |

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to ballot a fifth time to fill said office.

And upon counting the votes on the fourth ballot, it appeared that

|                              |   |   |   |           |
|------------------------------|---|---|---|-----------|
| George P. Buell had received | - | - | - | 18 votes, |
| Joseph C. Eggleston          | - | - | - | 18 "      |
| Joseph Orr                   | - | - | - | 8 "       |
| William Hendricks            | - | - | - | 1 "       |

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to ballot a sixth time to fill said office.

And upon counting the votes upon the sixth ballot, it appeared that

|                              |   |   |   |           |
|------------------------------|---|---|---|-----------|
| George P. Buell had received | - | - | - | 20 votes, |
| Joseph C. Eggleston          | - | - | - | 25 "      |

Joseph C. Eggleston having received a majority of all the votes given, for director of the State Bank of Indiana so fill said vacancy, the President of the Senate announced the result.

Ordered, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to deliver the ac-



companying sealed messages in relation to the election of two directors of the State Bank of Indiana:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that at an election held by the House of Representatives in pursuance of a resolution of both Houses of the General Assembly for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of Lucius H. Scott, upon balloting therefor, with closed doors, Jacob Walker having received a majority of all the votes given in the House of Representative, was declared duly elected on the part of the House to fill said vacancy, to serve as such during the remainder of the term of said Lucius H. Scott.

HORATIO J. HARRIS,  
Principal Clerk House of Representatives.

MR. PRESIDENT—

I am directed to inform the Senate that at an election held in the House of Representatives in pursuance of a resolution of both houses of the General Assembly, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy of Alexander Worth, whose term of service will expire during the present session of the General Assembly, upon balloting therefor, with closed doors, George P. Buell received a majority of all the votes given in the House of Representatives, and was consequently declared duly elected on the part of the House of Representatives, to serve as such for four years from and after the expiration of the term of service of the said Alexander Worth.

HORATIO J. HARRIS,  
Principal Clerk of House of Reps.

No choice having been made by a concurrent vote of the two houses, the Senate again proceeded to vote by ballot for a director of the State Bank to fill said vacancy of Lucius H. Scott;

And upon counting the votes upon the first ballot, it appeared that,

|                           |           |
|---------------------------|-----------|
| Jacob Walker had received | 20 votes. |
| Isaac C. Elston     "     | 25   "    |

Isaac C. Elston having received a majority of all the votes given for a director of the State Bank, the President of the Senate announced the result.

The Senate then proceeded to vote by ballot for a director of the State Bank, to fill said vacancy of Alexander Worth;

And upon counting the votes upon the first ballot, it appeared that,

|                                  |           |
|----------------------------------|-----------|
| Joseph C. Eggleston had received | 23 votes. |
| George P. Buell             "    | 22   "    |

Joseph C. Eggleston having received a majority of all the votes given for a director of the State Bank, the President of the Senate announced the result.

Ordered, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to deliver to the Senate the accompanying sealed messages in relation to the election of directors of the State Bank of Indiana:

MR. PRESIDENT—

I am directed to inform the Senate that at an election held in the House of Representatives, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy of Alexander Worth, whose term of service will expire during the present session of the General Assembly, upon balloting therefor, with closed doors, George P. Buell received a majority of the votes given in the House of Representatives, and was therefore declared duly elected on the part of the House of Representatives, to serve as such for four years from and after the expiration of the term of service of said Alexander Worth.

HORATIO J. HARRIS,  
Principal Clerk of House of Reps.

MR. PRESIDENT—

I am directed to inform the Senate that at an election held in the House of Representatives, in pursuance of the resolution of both houses of the General Assembly, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of Lucius H. Scott, upon the first ballot, with closed doors, Jacob Walker received a majority of the votes given in the House of Representatives, and was accordingly declared duly elected on the part of the House to fill said vacancy, and to serve during the remainder of the term of said Lucius H. Scott.

HORATIO J. HARRIS,  
Principal Clerk of House of Reps.

No choice having been made by a concurrent vote of the two houses, the Senate again proceeded to vote by ballot for a director of the State Bank, to fill said vacancy of Lucius H. Scott;

And upon counting the votes upon the first ballot, it appeared that,

|                               |           |
|-------------------------------|-----------|
| Jacob Walker had received     | 25 votes. |
| Isaac C. Elston             " | 20   "    |



Jacob Walker having received a majority of all the votes given for a director of the State Bank, the President of the Senate announced the result.

The Senate then proceeded to vote by ballot for a director of the State Bank, to fill the vacancy of Alexander Worth;

And upon counting the votes upon the first ballot, it appeared that,

|                              |           |
|------------------------------|-----------|
| George P. Buell had received | 21 votes. |
| Joseph C. Eggleston    "     | 21   "    |
| Scattering                   | 2   "     |

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to ballot a second time to fill said office;

And upon counting the votes upon the second ballot, it appeared that;

|                              |           |
|------------------------------|-----------|
| George P. Buell had received | 23 votes. |
| Joseph C. Eggleston    "     | 20   "    |

George P. Buell having received a majority of all the votes given for a director of the State Bank, the President of the Senate announced the result.

*Ordered,* That the House of Representatives be informed thereof.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed to deliver to the Senate the following sealed messages in relation to the election of directors of the State Bank of Indiana:

MR. PRESIDENT—

I am directed to inform the Senate that at an election held in the House of Representatives, in pursuance of a resolution of both houses for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of Lucius H. Scott, upon balloting therefor, with closed doors, Jacob Walker received a majority of all the votes given, and was therefore declared duly elected on the part of the House to fill said vacancy, and to serve as such during the remainder of the term of said Lucius H. Scott.

HORATIO J. HARRIS,  
Princ. Clerk H. of R.

MR. PRESIDENT—

I am directed to inform the Senate that at an election held in the House of Representatives, pursuant to a resolution of both houses of

the General Assembly, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy of Alexander Worth, whose term of service will expire during the present session of the General Assembly, George P. Buell having received a majority of all the votes given, was therefore declared duly elected on the part of the House of Representatives, a director of the State Bank of Indiana, to serve as such for four years from and after the expiration of the term of service of said Alexander Worth.

HORATIO J. HARRIS,  
Princ. Clerk H. of R.

Jacob Walker having received a majority of all the votes given by both branches of the legislature of the State of Indiana, for a director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of Lucius H. Scott, the President of the Senate declared him duly elected a director of the State Bank, for the unexpired term of said vacancy.

George P. Buell having received a majority of all the votes given by both branches of the legislature of the State of Indiana, to fill the vacancy occasioned by the expiration of the term of service of Alexander Worth, Esq., the President of the Senate declared him duly elected a director of the State Bank, for and during the term of four years from and after the expiration of the term of Mr. Worth;

And on motion, the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

The President laid before the Senate a report from the Chief Engineer on the subject of the Erie and Michigan canal.

On motion of Mr. Baird of St. Joseph, said report was laid upon the table, and 300 copies thereof ordered to be printed, 50 of which for the use of the board of internal improvement.

Mr. Lane moved to postpone all previous orders of the Senate, and take up the bills for the relief of contractors upon the public works;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Bell, Brady, Carnan, Dobson, Hargrove, Kinzer, Lane, Moffatt, Nickel, Stafford, Stephenson, Tannehill, Tuley and Wright—14.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Blair, Bowen, Cathcart, Clark, Ewing of Cass, Ewing of Allen, Green, Herriott, Lowe, Morgan, Mount, Riley, Smiley, and Thompson—18.



So said bills were not taken up.

On motion of Mr. Baird of St. Joseph, bills upon their third reading were taken up.

Mr. Cathcart moved to re-consider the vote taken on taking up the bills for the relief of contractors,

Which motion did not prevail.

So bills on their third reading were taken up.

Bills of the Senate, entitled,

No. 25, a bill in relation to the state house and for other purposes;

And No. 28, entitled a bill preparatory to a general system of education in Indiana;

Were severally read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Bill of the Senate, entitled,

No. 28, a bill to abolish capital punishment, was read a third time.

On motion of Mr. Thompson, said bill was referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Thompson, Tannehill, Beard of M., Kennedy, Williams and Brady.

The Senate took up bills upon their second reading.

Mr. Lane moved to take up bill No. 97 of the Senate, to amend an act to modify the plan of carrying on the public works;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Blair, Bowen, Cathcart, Cravens, Dobson, Finch, Green, Hackett, Kinzer, Lane, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Smith, Stephenson, Thompson, Watts and Wright—23.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Carnan, Chamberlain, Clark, Ewing of Cass, Ewing of Allen, Hargrove, Herriott, Kennedy, Moffatt, Riley, Stafford, Tannehill, Tuley, and Watt—19.

So said bill was taken up.

Mr. Chamberlain moved to commit said bill to a committee of the whole Senate and make it the order of the day for Saturday next.

Mr. Cravens moved to amend said motion by committing the bill to a committee of the whole Senate now;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Blair, Bowen, Cathcart, Cravens, Finch, Green, Hackett, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Thompson, Watts and Wright—22.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Hargrove, Herriott, Kennedy, Lane, Moffatt, Stafford, Tannehill, Tuley and Watt—21.

So said motion prevailed.

And said bill was so referred;

Mr. Lane moved to postpone the further consideration of said bill until Friday next;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Hackett, Hargrove, Herriott, Lane, Moffatt, Stafford, Stephenson, Tannehill, Tuley and Watt—23.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Blair, Cathcart, Cravens, Finch, Green, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Thompson, Watts and Wright—21.

So said motion prevailed.

And the bill was postponed until Friday next.

Mr. Cravens moved to take up the bill for the relief of contractors and others;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Brady, Cathcart, Cravens, Dobson, Finch, Green, Hackett, Kinzer, Lowe, Nave, Nickel, Smiley, Smith, Thompson, Tuley, Watts and Wright—20.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Chamberlain, Clark, Elliott, Ewing of Cass, Ewing of Allen, Hargrove, Herriott, Kennedy, Lane, Moffatt, Morgan, Mount, Riley, Stafford, Tannehill and Watt—24.



So said bill was not taken up.

Bill of the Senate, entitled,

No. 45, a bill to repeal part of the 38th section of an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, was read a second time.

Mr. Baird of St. Joseph moved that said bill be indefinitely postponed;

Which motion did not prevail.

On motion of Mr. Thompson, said bill was referred to the committee on the judiciary.

Bill of the Senate, entitled,

No. 60, a bill to prohibit the American Fur Company from banking in this state and for other purposes;

Was read a second time, and,

On motion of Mr. Elliott, referred to the judiciary committee.

Bill of the Senate, entitled,

No. 47, a bill to amend the 2d section of an act, entitled an act pointing out the mode of levying taxes, and fixing the per centum for state purposes, approved Feb. 15, 1839;

Was read a second time, and,

On motion of Mr. Morgan, laid upon the table.

Bill of the Senate, entitled,

No. 101, a bill to establish the college of Physicians and Surgeons in the city of Madison;

Was read a second time, and,

On motion of Mr. Tuley, referred to the committee on corporations.

Bill of the Senate, entitled,

No. 48, a bill to amend an act defining the duties of county treasurers, collectors, &c. approved Feb. 18, 1839;

Was read a second time, and,

On motion of Mr. Stephenson, referred to the committee on ways and means.

Joint resolution of the House of Representatives, entitled,

No. 5, a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the repeal of the duty on salt;

Was read a second time.

Mr. Baird of St. Joseph moved to strike out the preamble to said joint resolution;

Which motion prevailed;

And said preamble was stricken out.

On motion of Mr. Tuley, said joint resolution was amended by striking out of the same the words "the scope of."

On motion of Mr. Stephenson, the rules of the Senate were suspended, and the joint resolution read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Blair presented the petition of James Smith and others on the subject of a state road;

Which was referred to the committee on roads.

The following message was received from the Governor, by Mr. Moore, his private secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate, that he did, on Saturday the 25th instant, approve and sign acts of the titles following, to wit:

An act to amend an act entitled an act pointing out the mode of levying taxes and fixing the per centum for state purposes, approved Feb 15, 1839;

An act for the relief of A. W. Noe;

Both of which originated in the Senate.

And, on motion, the Senate adjourned.

WEDNESDAY MORNING, JAN. 29.

The Senate assembled.

Mr. Dobson moved to take up the bill for the relief of contractors upon the public works;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Blair, Bowen, Brady, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Moffatt, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt Watts, and Wright—42.

*Those who voted in the negative were,*

Messrs. Morgan—1.

So said bill was taken up.

The amendment to section No. 6 of the bill, by the committee, as amended, being under consideration;

The question being on inserting said amendment;

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Hargrove, Herriott, Lane, Moffatt, Mount, Smith, Stafford, Stephenson, Tuley, Watt and Watts—25.

*Those who voted in the negative were,*

Messrs. Armstrong, Brady, Cathcart, Cravens, Green, Hackett, Kennedy, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Tannehill, Thompson, and Wright—17.

So said amendment prevailed.

The amendment of the committee to section 7, to insert the word "cancelled" after the word "filed" in the latter part of said section was concurred in.

The additional amendment of the committee to same section as follows: Insert in lieu of said section, the words "or in the receipt or disbursement thereof," was concurred in.

On motion of Mr. Dobson, the following amendment was adopted: Insert at the end of the 6th section the following proviso:

*Provided*, That it shall be the duty of the Treasurer to apply or cause to be applied the funds he may receive for the redemption of these notes, first, to the redemption of the five dollar notes, and then to the fifties.

Mr. Ewing of Allen moved to amend said bill as follows:

Strike out of the 3d line of the 3d section the words "two years," and insert "one year;"

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Beard of M., Bell, Blair, Bowen, Brady, Clark, Cravens, Ewing of Cass, Ewing of Allen, Finch, Moffatt, Nave, Smiley, Smith, Stafford, Stephenson and Watts—19.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Joseph, Berry, Carnan, Cathcart, Chamberlain, Dobson, Elliott, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nickel, Riley, Tannehill, Thompson, Tuley, Watt and Wright—25.

So said amendment did not prevail.

On motion of Mr. Thompson said bill was further amended as follows:

SEC. —. That it is hereby made the duty of the officers paying out these Treasury notes on the claims of state creditors, to allow the interest on all claims or certificates, without distinction between those issued to contractors and those issued to other rightful claimants.

Mr. Wright moved to amend said bill as follows:

*Provided*, That the provisions of this bill so far as the same extend to the relinquishment of contracts heretofore taken by contractors, shall not extend to any contracts taken on the improvements of the Wabash Rapids, nor shall the same extend to the pledged faith of the State of Indiana heretofore made with the State of Illinois, on the subject of the improvement of said river, and that the board of internal improvement of the State of Indiana, shall, if funds can be realized or are now on hands, carry out said pledged faith heretofore made with the said State of Illinois in as full and as complete a manner as though this bill had not passed.

Mr. Nave moved to amend said amendment as follows:

"Or the Madison and Indianapolis rail road and the White Water canal."

Mr. Lane moved to lay said amendments on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Cravens, Dobson, Elliott, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Morgan, Nickel, Riley, Stafford, Stephenson, Tannehill, Thompson, Tuley, and Watts—29.

*Those who voted in the negative were,*

Messrs. Beard of M., Bell, Blair, Cathcart, Finch, Moffatt, Mount, Nave, Smiley, Smith, Watt, and Wright—13.

So said amendments were laid upon the table.

Mr. Mount moved to amend said bill as follows:

*Provided*, That the fund commissioners are hereby authorized to redeem whatever amount of treasury notes shall be presented to them in any of the eastern cities, in case they shall realize funds sufficient to discharge all liabilities incurred by the provisions of this act. And they shall be governed in all respects as is provided for the government of the treasurer and other receiving or disbursing agents, as is directed by the provisions of this act.

Mr. Elliott moved the previous question, which motion not being seconded by a majority of the Senate,

It was decided in the negative.

Mr. Armstrong moved to amend said amendment as follows:

*Provided also*, That neither the fund commissioners or other person, shall on behalf of the State or otherwise, dispose of any bonds of the state prior to the first day of February, 1841.

Mr. Chamberlain moved to lay said amendments upon the table.

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Hargrove, Herriott, Kennedy, Lane, Moffatt, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, and Watt—27.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Cathcart, Cravens, Finch, Green, Hackett, Kinzer, Lowe, Morgan, Mount, Nickel, Smiley, Thompson, Watts and Wright—16.

So said amendments were laid upon the table, and

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Hackett having obtained leave, introduced a bill entitled, No. 116, a bill to incorporate the Livonia Guards; which was read a first time, and

On motion of Mr. Hackett, the rules of the Senate were suspended, the bill read a second time, and referred to the committee on corporations.

Mr. Beard from the committee on ways and means, made the following report:

Mr. PRESIDENT—

The committee of Ways and means to whom was referred a resolution of the Senate directing them to inquire into the expediency of so amending the revenue law as to deduce the per centage to collectors of the state and county revenue; and also of so amending the same, as to require collectors to execute bonds in double the amount of the state and county revenue of their respective counties.

And also to enquire into the expediency of providing for the meeting of the people to pay their collectors in their several townships, have had that subject under consideration and have directed me to report a bill for a more efficient and cheap mode of collecting the state and county revenue. Said bill, entitled

No. 115, a bill to provide for a more efficient mode of collecting the revenues, and for other purposes,"

Was read a first time, and ordered to a second reading.

Mr. Ewing of Allen, from the select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the Senate No. 73, entitled "an act to amend an act to regulate the jurisdiction of

justices of the peace in Allen county," have had the same under consideration, and have directed me to report the same back to the Senate with the following amendment, to wit:

Strike out the bill from the enacting clause and insert the following:

Said bill entitled No. 118, a bill relative to the jurisdiction of justices of the peace in Allen county, was read a first time, and

On motion of Mr. Ewing of Allen, the rules of the Senate were suspended, and the bill read a second and third times and passed.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Brady, the Senate resumed the consideration of the bill for the relief of contractors.

Mr. Brady proposed to amend as follows:

That the fifty dollar notes to be issued as aforesaid, and payable in two years, shall draw interest at the rate of 8 per cent. until redeemed.

On motion of Mr. Chamberlain said amendment was laid upon the table.

Mr. Green proposed the following amendment:

The amount of treasury notes authorized to be issued by this act, shall not exceed the sum which is now due contractors and others for work done upon the public works; and the further prosecution of the public works is hereby suspended, and not to be resumed until money for internal improvement purposes can be obtained by some other means, than selling state bonds below par.

Mr. Brady moved to lay said amendment upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Hargrove, Herriott, Kennedy, Lane, Moffatt, Mount, Riley, Smiley, Stafford, Tannehill, Tuley, and Watt—23.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Carnan, Cathcart, Ewing of Cass, Green, Hackett, Kinzer, Lowe, Morgan, Nave, Nickel, Smith, Stephenson, Watts and Wright—16.

So said amendment was laid upon the table.

Mr. Cathcart moved to amend the bill by adding in an appropriate place the following:

Provided, That no sale of state bonds shall be made upon terms less favorable to the state, than a sale of six per cent. bonds at par.

Mr. Chamberlain moved to lay said amendment upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. J. Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Har-



grove, Herriott, Kennedy, Lane, Moffatt, Mount, Riley, Stafford, Tannehill, Tuley, and Watt—24.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Blair, Cathcart, Cravens, Ewing of Cass, Green, Hackett, Kinzer, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Stephenson, Thompson, Watts and Wright—18.

So said amendment was laid upon the table.

Mr. Beard of M., moved to amend said bill by striking it out from the enacting clause, and inserting the following:

*Be it enacted by the General Assembly of the State of Indiana, That for the purpose of paying the contractors on the public works, and of liquidating the debt due to the State Bank of Indiana from the State, the fund commissioners are hereby authorized to negotiate with the State Bank, a sale of state bonds at a rate of interest not exceeding 6 per cent., to an amount sufficient for said purpose.*

Sec. 2. That the said bank may issue an amount not more than five hundred thousand dollars of the money borrowed as above of post notes payable to the order of the State of Indiana, which shall be endorsed by the treasurer of state before they may be circulated and for which the faith of the state shall be thereby pledged, said post notes to be made payable at not more than twelve months after date.

Sec. 3. That in consideration of a purchase of state bonds as in the first section contemplated, the state bank of Indiana is hereby authorized to issue and circulate an amount not exceeding one million of dollars of notes of denominations of one, two, and three dollars.

Sec. 4. That so soon as the debt from the state to the bank shall be paid off and discharged the bank shall be compelled to take in the small bills hereby authorized, and not re-issue them.

This act to be in force from and after its passage.

Mr. Green moved to lay said amendment on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Blair, Brady, Carnan, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nickel, Smiley, Smith, Tannehill, Thompson, Tuley, Watt, Watts, and Wright—30.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Clark, Herriott, Moffatt, Nave, Riley, Stafford, and Stephenson—13.

So said amendment was laid upon the table.

Mr. Moffatt moved to amend said bill by striking it out from the enacting clause, and inserting the following:

Sec. 1. That for the purpose of affording relief to contractors upon the public works and those to whom they are indebted, it shall be the duty of the acting commissioner upon those public works immediately under his control, to cause estimates to be made of the whole amount due contractors, the first day of January, 1840; which estimates shall be deposited with the Treasurer of State.

Sec. 2. Whenever those estimates are received it shall be the duty of the Treasurer of State to issue evidences of such debt of the state under his hand, the same being dated, numbered, and signed by such Treasurer, and countersigned by the Auditor of Public Accounts.

Sec. 3. The form of such evidences of state debt shall be devised by the officers of state above named, and shall be engraved distinctly on good and durable paper, and shall express the acknowledgment of the indebtedness of the State and the promise to pay at the State Treasury the amount stated in such evidence, with interest thereon at the rate of six per centum per annum, redeemable at any time within three years, whenever money shall be received in the Treasury from debts now due the State, from bonds hereafter sold, or from any source which under provision of law may be appropriated to such payment, and the size of such evidences of debt shall be from fifty to one hundred dollars, and shall be handed over to the fund commissioners to be disbursed as is provided by law.

Sec. 4. That for the purpose of furnishing means to contractors of liquidating their debts to laborers and others in smaller sums, and as far as practicable to substitute a circulation of small bills of the State Bank of Indiana for the small bills of the adjoining states, the State Bank of Indiana is hereby temporarily authorized through her branches, or any of them who may consent thereto, to issue bills of the denomination of one, two, and three dollars to an amount equal to one half the debt due to contractors on the aforesaid first of January 1840, and also at the discretion of the said Bank and Branches, a further amount equal to the indebtedness of the state for advances heretofore made by said Bank to contractors and others upon the public works, such issue to be under the supervision of the directors of the State Bank: *Provided however,* That this power is granted only upon condition that the said Bank will further loan to the state of Indiana in such small bills as early as practicable in the year 1840, an amount equal to one half of the state debt due to contractors, the interest on the state's indebtedness to the Bank being chargeable at the rate of six per centum per annum: *Provided also,* That the Legislature may at any time, upon the payment of the debt due the Bank upon internal improvement account, require said Branches to call in said issue of bills below five dollars, and the same shall not be re-issued.

Sec. 5. That the fund commissioners are hereby authorized and directed as fast as funds are received from past or future sales of state bonds to pay the same over in equal parts to the Treasurer of State for



the redemption of the aforesaid evidences of debt, and the State Bank of Indiana in liquidation of the state debt to said Bank.

Sec. 6. If the said State Bank and Branches shall agree to loan to the state the amount specified in the third section of this act, then one half of the aforesaid Treasury Notes shall be at the disposal of the board of internal improvement, to be expended in preserving the public works from dilapidation and the completion of some of those works that will most promptly afford a revenue to the state.

This act to be in force from and after its passage.

Mr. Kennedy moved to lay said amendment upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Blair, Brady, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nickel, Riley, Smiley, Smith, Tannehill, Thompson, Tuley, Watt, Watts, and Wright—32.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Herriott, Moffatt, Nave, Stafford, and Stephenson—11.

So said amendment was laid upon the table.

Mr. Herriott proposed to amend said bill as follows:

Sec. —. That where any of the existing contracts are in a state of forwardness as to be completed by the expenditure of small sums, and where the completion of such contracts will connect important commercial points that will make available large amounts that have already been expended, the board of internal improvement shall complete said contracts: *Provided*, The contractors will take the bonds of the state, bearing an interest of six per cent., and the fund commissioners shall deliver the bonds of the State to such contractors on the estimate of the Engineer.

Mr. Wright moved to lay said amendment upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Baird of St. Joseph, Berry, Brady, Cathcart, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Finch, Green, Hargrove, Kennedy, Kinzer, Lane, Lowe, Morgan, Nickel, Tannehill, Thompson, Tuley, Watts, and Wright—21.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Beard of M., Bell, Blair, Bowen, Carnan, Cra-

vans, Hackett, Herriott, Moffatt, Mount, Nave, Riley, Smiley, Smith, Stafford, Stephenson, and Watt—19.

So said amendment was laid upon the table.

Mr. Lowe proposed to amend said bill as follows:

*Provided*, That the fund commissioners or commissioner shall not be authorized to sell 6 per cent. bonds under par, or to sell a greater amount than may in the opinion of the Board be necessary for the judicious prosecution of three of the best works, the Wabash and Erie Canal proper included.

Mr. Smiley moved to amend said amendment as follows:

*Provided*, That nothing herein contained shall be so construed as to prevent the speedy completion of that small portion of the Wabash and Erie Canal (which is so near completed) as lies between the mouth of the Tippecanoe river and the town of Lafayette.

Mr. Chamberlain moved to lay said amendments upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Bell, Berry, Chamberlain, Clark, Dobson, Elliott, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Riley, Stafford, Stephenson, Tannehill, Tuley, and Watt—21.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Blair, Bowen, Brady, Carnan, Cathcart, Cravens, Ewing of Cass, Finch, Green, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Smiley, Smith, Watts and Wright—21.

So said motion did not prevail, the President of the Senate not being in the chair;

And said amendments were not laid upon the table.

Mr. Lane moved the previous question;

And said motion being seconded by a majority of the Senate,

On the question, Shall the main question be now put?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. J., Beard of M., Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Hackett, Hargrove, Kennedy, Kinzer, Lane, Mount, Riley, Stafford, Stephenson, Tannehill, Thompson, Tuley and Watt—23.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Bell, Blair, Cathcart, Cravens, Ewing of Cass, Ewing of Allen, Finch, Green, Herriott, Lowe, Moffatt, Morgan, Nave, Nickel, Smiley, Smith, Watts, and Wright—21.

So said question was decided in the affirmative.



And the question being, Shall the amendments to the bill be engrossed and read a third time on to-morrow?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Beard of M., Bell, Berry, Blair, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Mount, Riley, Stafford, Stephenson, Tannehill, Tuley, and Watt—24.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Bowen, Cathcart, Cravens, Ewing of Allen, Finch, Green, Lowe, Moffatt, Morgan, Nave, Nickel, Smiley, Smith, Thompson, Watts and Wright 20.

So said amendments to the bill were ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Elliott, the rules of the Senate were suspended, the amendments to the bill considered as engrossed and read a third time now;

And on the question, Shall the bill pass?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Beard of M., Bell, Berry, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hackett, Hargrove, Kennedy, Lane, Mount, Smiley, Stephenson, Tannehill, Tuley, Watt and Watts—23.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Blair, Bowen, Cathcart, Cravens, Green, Kinzer, Lowe, Moffatt, Morgan, Nave, Nickel, Riley, Smith, Stafford, Thompson and Wright—20.

So said bill passed.

*Ordered,* That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled bill of the Senate,

No. 64, an act granting relief in a certain case therein named,

And also, an enrolled bill of the House,

No. 119, an act to fix the times of holding courts in the fifth judicial circuit.

I am directed to bring the same to the Senate for the signature of the President thereof.

Mr. Tuley, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills and find the same truly enrolled;

No. 64, of the Senate,

An act granting relief in a certain case therein named;

No. 119, of the House,

An act to fix the times of holding courts in the fifth judicial circuit.

And, on motion, the Senate adjourned.

THURSDAY MORNING, JAN. 30, 1840.

The Senate assembled.

Mr. Kennedy presented the petitions of Henderson Johnson, and others, from the counties of Wayne and Jay, asking the repeal of certain provisions of "an act concerning free negroes and mulattoes, servants and slaves," approved February 10th, 1831; which were read and referred to the judiciary committee.

Mr. Baird of St. Joseph introduced the petition of Truman Wilkin-son of Lagrange county, asking the passage of an act for his relief in a certain case therein named; which was read and referred to the judiciary committee.

Mr. Cathcart presented the petition of Jesse Morgan and others, relative to the law of 1834, giving validity to contracts for claims, real or supposed, on the United States land, which was read and referred to the judiciary committee.

Mr. Cathcart presented the petition of C. W. Brown, on the subject of compensation for services on a certain state road; which which was read and referred to the committee on the judiciary, with certain instructions, to wit:

To report whether the petitioner has not the means of relief within his power by an appeal to the judiciary, and if such is not the case, to report a bill for his relief.

Mr. Hackett presented the petition of William Thompson and others, asking a law authorizing the election of an additional justice of the peace in New Philadelphia, in Washington county; which was read and referred to a select committee.

*Ordered,* That said committee consist of Messrs. Hackett, Lowe, and Watt.



Mr. Cathcart presented the petition of George Earle and others, citizens of Lake county, on the subject of a state road; which was read and referred to the committee on roads.

Mr. Chamberlain presented the petition of Francis Kendrick and others, citizens of Elkhart county, on the subject of a state road;

Which was read and referred to the committee on roads.

Mr. Chamberlain also presented two petitions of Joseph Alexander and others, citizens of Lagrange county, on the subject of an agent of the surplus revenue in Lagrange county; which was referred to the committee of the whole Senate, to which was referred the bill on the subject of the surplus revenue.

Mr. Arion presented the annual report of the Madison Savings institution; which was read and laid upon the table.

Mr. Watt from the committee on elections, made the following report:

Mr. PRESIDENT—

The committee on elections to which was referred a resolution in the following words, to wit:

That so much of the Governor's message as relates to the application and enforcement of the necessary corrections for remedying the present confusion and derangement in the present administration of the General Government, be referred to the committee on elections, have according to order had the same under consideration, and said committee have instructed me to report that it is inexpedient to legislate thereon, nad ask to be discharged from the further consideration thereof.

And the committee were discharged.

Mr. Beard of M., from the committee on ways and means, made the following report:

Mr. PRESIDENT—

The committee of ways and means to whom was referred a resolution of the Senate, directing them to inquire into the expediency of amending the revenue law so that collectors shall not be bound to pay over the state revenue until the first Monday in January, and the county until the first Monday of May in each year, have had that subject under consideration, and have directed me to report, that inasmuch as the semi-annual payment of interest on our state bonds, falls due on the first day of January in each year, it would be impolitic to grant any further time to collectors, and have therefore directed me to report that it is inexpedient to legislate on that subject, and therefore ask to be discharged from any further consideration thereof.

And the committee were discharged.

Mr. Beard of M., from the committee on ways and means, made the following report:

Mr. PRESIDENT—

The committee on ways and means to whom was referred that part of the Governor's message relating to the distribution of the proceeds of the sale of the public lands among the several states, now report, that the committee have given that subject their consideration at an early part of the session, and came to the conclusion, that much as they might desire to have seen the bill that passed both houses of Congress, and which gave to Indiana for the five years that it was to run at least three millions of dollars, (and which if continued must give her at least \$200,000 a year for half a century to come) become a law, your committee come to the conclusion that this was a subject that our senators and representatives in Congress well understood, and that it would be attended with no good consequences to memorialize on the subject, and therefore come to the conclusion that it was useless to legislate on that subject, since that time the subject of the public lands has been presented to the Senate by the introduction of a bill lately introduced into the Senate of the United States, which bill has been referred to a select committee, and that they may have the whole subject before them your committee have therefore come to the conclusion to report said resolution back to the Senate, with a recommendation that it be referred to the select committee to whom Mr. Calhoun's land bill was referred, and ask to be discharged from the further consideration of the subject.

And the committee were discharged, and the resolution referred as proposed by the committee.

Mr. Thompson, chairman of the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill of the Senate No. 12, entitled, a bill amendatory of an act regulating the jurisdiction of justices, approved February 17th, 1838, and for other purposes, have duly examined the bill and instructed me to report it without amendment, and recommend its passage.

Said bill was read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Thompson, Chairman of the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill of the House of Representatives No. 8, entitled a bill to recover the value of sheep killed by dogs, have after examining its provisions instructed me to report it without amendment, and recommend its indefinite postponement.



The question being on the indefinite postponement of said bill, it was decided in the negative.

So said bill was not postponed.

On motion of Mr. Stephenson, the rules of the Senate were suspended, and the bill read a third time.

On motion of Mr. Chamberlain, said bill was referred to a select committee.

*Ordered,* That said select committee consist of Messrs. Chamberlain, Mount, Brady, and Thompson.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the House entitled, an act to provide for the formation of the county of Van Buren, have had the bill under their consideration, and instructed me to report it without amendment, and recommend its indefinite postponement. Believing the provisions thereof would infringe the constitution of Indiana, inasmuch as the constitution expressly declares—(article 2d, second, section 12th; “the General Assembly when they lay off any new county, shall not reduce the old county or counties from which the same shall be taken to a less content than four hundred square miles. It is admitted that by the formation of the new county, as is contemplated by the provisions of the bill, it would reduce Wabash and Miami counties to a less content than 400 square miles. But it is contended that the provision of the constitution above alluded to, refers only to those counties which were formed and in existence at the time the constitution was adopted. To this strained construction your committee cannot concur, and believe such a view of that instrument is altogether gratuitous and does violence to the very letter and spirit thereof. Your committee cannot be persuaded that the 2d article, 12th section, will admit of any such perversion. Why should the framers of the constitution have provided that counties laid out before its adoption should not be reduced to less than 400 square miles and not impose the same restriction relative to those to be formed thereafter. The reason and policy which would render it expedient in one case, as forcibly applies in the other; and the intention of the convention is too clearly expressed to admit of a two fold construction.

The members of the convention were men selected for their wisdom and experience, and could readily foresee what the selfish workings of the human heart would in after times prompt them to attempt to render the public interest subservient to individual, and in furtherance thereof, instances would occur when for that purpose efforts would be made to divide and sub-divide counties until reduced to the mere space of townships to thereby advance individual interest in enlarging the value of their property by procuring the location of the county seats on or near their lands, greatly to the prejudice of the mass of the population, hence, your committee are fully persuaded that to shield us

against such impolicy the convention have provided, in substance, that no county shall be reduced to less than 400 square miles under any circumstances whatever, whether created before or after the adoption of the constitution.

On motion of Mr. Kennedy, said report was laid upon the table.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution instructing an inquiry into the expediency and necessity of re-organizing the probate court system, have, after consulting, instructed me to report that other measures of great importance which have precedence from the order of business before your committee, will consume so much of the time allotted for this present session, that it will thereby become impracticable to bestow the time and deliberation indispensable to the preparation of a bill, the maturing the various important provisions for the enactment of a law to change thoroughly a system so obviously defective to all. It is conceded without a dissenting voice, that owing to the defects in its organization, the trials therein in many instances are a mere mockery of justice and law—the rights of litigants are hazarded as by a game of chance, and orphans and widows are defrauded out of the pittance left them by their departed husbands and fathers. And thus by unjustly taking from them the hard earnings of the decedent, which if frugally managed and properly secured by the administration of wholesome laws by a competent court, would have kept them above penury and want. And for the want of such a court they are stripped of their little means in many instances by unjust claims and cast pennyless and helpless to shift and struggle as they best can without a parent's or guardian's care to aid, counsel, and protect them from the frauds and dishonest claims so frequently preferred. To remedy these evils is in the power, and most certainly is the duty of the legislature.

The probate courts are at least as important as any judicial tribunals in the state. In the course of a short lifetime, all property within our limits has in some way or other to undergo and abide the decisions of this court, or to resort to other tribunals to correct their errors and unjust and illegal judgments. They have the settlement of every decedent's estate, and in very many cases the settlement, if it can be understood at all, is found to be unjust and illegal, and consequently when orphans grow up and learn their rights, and ascertain how they have been defrauded, and their parent's will perverted or disregarded, suits thereon will multiply in the circuit courts almost without number, and there will be no end to litigation. Who then cannot see the necessity of reorganizing this court? Will not all admit the greatest defect in the present system is those provisions which preclude the procuring of competent and able judges, without which it will be useless to attempt to reorganize the system; and it cannot be expected that judges competent can be induced to accept without being well compensated. Will the Legislature refuse or neglect to re-orga-



nize a system so glaringly defective and offer inducements sufficient to procure the services of judges capable and learned in the law, and in the same session appropriate hundreds of thousands to objects of minor importance to an able and competent judicial tribunal? We trust not.

In conclusion, your committee will remark that inasmuch as several members of the committee have given assurances that during the interval between this and the next session, they will respectively prepare and present a bill or bills at an early day of the session to reorganize the system, some one of which we trust will be adopted.

Therefore your committee ask to be discharged from the further consideration of the subject.

And said committee were accordingly discharged.

Mr. Finch, from the committee on public buildings, made the following report:

MR. PRESIDENT—

The joint committee on public buildings to which was referred the report of the Treasurer of State in relation to the state-house, beg leave to report that the committee deem the amount of public interest involved in the hazard of permitting the capital to remain uninsured, is sufficient to justify the expenditure consequent upon an insurance of at least half the value of the building against loss by fire.

The committee is also of opinion, that, from the reasons set forth in the Treasurer's report, it will be expedient to change the mode of heating the halls, so as to effect the same through the agency of rarified air. The committee therefore, herewith report a bill to carry into effect these two propositions, and to authorize the renewal of the carpeting in the Representative Hall.

The committee have also examined the vouchers submitted by the treasurer of state, for disbursements made an account of the state-house and expenses incident to the sessions of the General Assembly, and find them correct, and that the aggregate amount is \$951 87, for which the committee recommend provision to be made in the specific appropriation bill. All of which is respectfully submitted.

Said bill, entitled,

No. —, a bill for the preservation and furnishing the state house, was read a first and second times and laid upon the table.

Mr. Kennedy, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House of Representatives entitled, a bill to repeal so much of an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named as relates to the counties of Clinton, Delaware, and Hancock, have had the same under consideration

and have instructed me to report the same back to the Senate without amendment and recommend its passage.

Said bill was read a third time and passed:

Mr. Moffatt, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a memorial and joint resolution to the Congress of the United States upon the subject of the Cumberland road, beg leave to report the same back to the Senate with one amendment, viz: Strike out from the eighth to the nineteenth line in the third paragraph.

The question being on concurring in said proposed amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were;*

Messrs. Bowen, Clark, Lowe, Moffatt, and Mount—5.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Joseph, Bell, Berry, Blair, Brady, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Hackett, Hargrove, Herriott, Lane, Morgan, Nave, Nickel, Riley, Smiley, Stephenson, Tannehill, Tuley, Watt, Watts and Wright—27.

So said words were not stricken out.

And the memorial and joint resolution was read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

On motion of Mr. Cathcart,

*Resolved,* That the board of internal improvement or chief engineer be requested to inform the Senate upon the following points, viz: The names of all the engineers who have been employed in the service of the state since the year 1834, the salary paid to each, the aggregate amount paid to each, the amount now due to the engineer corps, and the aggregate of the contingent expenses properly chargeable to the engineer department since that date.

On motion of Mr. Chamberlain the following preamble and resolution were adopted:

Whereas, it is believed that it will be necessary to supply the Wabash and Erie Canal east of Fort Wayne, during several months of the most business part of the year, with water from the feeders on the Elkhart summit of the Erie and Michigan Canal: Therefore,

*Resolved,* That a select committee consisting of all the Senators, on the line of the Erie and Michigan Canal, inquire into the necessity and expediency of finishing the Erie and Michigan Canal from the Elkhart feeders to Fort Wayne simultaneously with the Wabash and Erie Canal east of Fort Wayne, and also to inquire into the propriety of au-



thorizing the counties more immediately interested in the Erie and Michigan Canal to construct the remainder of the line of said work in such manner as will best comport with the interests of the state and the counties aforesaid, by rendering said counties liable for the amount of interest annually, which may accrue on such loans as may from time to time be necessary for the prosecution thereof; or by such other means as may be deemed most advisable, with leave to report by bill or otherwise.

*Ordered*, That said committee consist of Messrs. Chamberlain, Ewing of Allen, Baird of St. Joseph, and Cathcart.

On motion of Mr. Hackett,

*Resolved*, That the committee on education be instructed to inquire into the expediency of increasing the allowance to township and district trustees for their services as required by law.

On motion of Mr. Baird of St. Joseph,

*Resolved*, That this Senate will henceforward use all commendable expedition in the business now before them, with an earnest view, speedily to complete our legislative duties, and adjourn *sine die*, if possible, on the 17th February, 1840.

Mr. Brady offered for adoption the following resolution:

*Resolved*, That the judiciary committee be directed to inquire into the expediency of so amending the law regulating the duties and jurisdiction of justices of the peace as to extend their jurisdiction to \$200 in civil cases, *with a view* to diminish the amount of business commonly done in the circuit courts, to the end that the number of judicial circuits may be reduced to ten or a less number, if possible, and thereby lessen the expense of the circuit court system.

Mr. Morgan proposed to amend said resolution by striking out \$200 and inserting \$50.

On motion of Mr. Lowe, said resolution and amendment were laid upon the table.

On motion of Mr. Cathcart,

*Resolved*, That the board of fund commissioners be requested to inform the Senate what amount of interest will be due on all state bonds now sold, during each year, until all the payments deferred in conformity with the arrangements entered into with our eastern debtors, are made to the state, specifying the amount of the different payments in each year, as well as the yearly aggregate.

On motion of Mr. Tuley,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of reducing the per cent. on taxabels for state purposes, five cents on the hundred dollars valuation.

Mr. Baird of St. Joseph offered for adoption the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring therein, adjourn *sine die* on Monday, the 17th of February, 1840.

Mr. Watts proposed to amend said resolution, by adding

*Provided*, The business of legislation be in such a state of completion as to justify said adjournment at that time.

Which amendment did not prevail;

And the resolution was adopted.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Arion introduced a bill entitled,

No. 119, a bill amendatory to an act entitled an act organizing probate courts and defining the powers and duties of executors, administrators and guardians;

Which was read a first time and ordered to a second reading.

Mr. Hackett introduced a bill entitled,

No. 120, a bill to authorize the election of one additional justice of the peace in Franklin township, Washington county;

Which was read a first, second and third times and passed.

Mr. Blair introduced a bill, entitled,

No. 121, a bill to amend an act entitled an act to incorporate the Perrysville and Danville rail road company;

Which was read a first and second times, and referred to the committee on corporations.

Mr. Baird of St. Joseph introduced a bill, entitled,

No. 122, a bill to amend an act subjecting real and personal estate to execution, approved February 4, 1831;

Which was read a first and second times and referred to the judiciary committee.

Mr. Morgan moved the following instructions to said committee: And that said committee inquire into the expediency of providing for the valuation of personal property.

Mr. Lane proposed to add to said instructions the following:

And also to confine the operation of said law to contracts hereafter to be made;

Which amendment was adopted.

Mr. Wright moved further to amend said instructions as follows:

Also take into consideration the propriety of extending the time of the present stay laws, which was agreed to.

And said instructions were adopted.

On motion of Mr. Nave,

The bill No. 115, for the relief of judgment debtors on judgments hereafter taken, was referred to said committee.

Mr. Nickel introduced a bill entitled,

No. 123, a bill to amend an act entitled, on act to provide for a general system of internal improvements, approved January 27, 1836.

Said bill was read a first and second times.

Mr. Watts moved to amend said bill by striking out of the same the word "glorious."

Mr. Stephenson moved to commit said bill to the committee on canals and internal improvements.

On motion of Mr. Smith, said bill and amendment were laid upon the table.

And on motion, the Senate adjourned.



2 o'clock, P. M.

The Senate assembled.

The Senate took up a message from the House of Representatives, containing the following bills, which have been passed by said House:

No. 84, a bill to incorporate the city of Richmond, in Wayne county, Indiana;

Was read a first and second times and referred to the committee on corporations.

No. 87, a bill to re-build the bridge across Laughery's creek, in Ripley county,

Was read a first and second times, and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Cravens, Watts, Morgan and Nickel.

No. 88, a bill to enlarge the powers of the probate court of Marion county in a certain case therein named;

Was read a first and second times, and referred to the judiciary committee.

No. 89, a bill to vacate the town of Voltairsville;

Was read a first, second and third times and passed.

No. 90, a bill to change the name of the town of Wilmington in Rush county;

No. 98, a bill to repeal an act entitled, an act to vacate a state road from Corydon in Harrison county to the Ohio river opposite the mouth of Salt river;

No. 102, a bill to authorize the election of an additional justice of the peace in Wayne township in Marion county;

No. 103, a bill to locate a state road in the county of Green;

No. 117, a bill concerning a school section in Tippecanoe county;

No. 124, a bill to provide for the election of a justice of the peace and constable in the town of Canton in Washington county;

No. 126, a bill to provide for the election of a justice of the peace in the town of Macksville in Vigo county;

No. 138, a bill to provide for the election of a justice of the peace in the town of Bainbridge in Putnam county;

No. 144, a joint resolution in relation to a grant of lands for an asylum for deaf mutes and blind persons;

No. 145, a bill relative to the three per cent. fund in Spencer county;

No. 156, a bill to incorporate the Fort Harrison Guards;

Were severally read a first, second and third times and passed.

No. 91, a bill to legalize the acts of the trustees of the town of Rockport in Spencer county and for other purposes;

No. 109, a bill to incorporate the Governor's Guards of Gentryville in Spencer county;

No. 110, a bill to legalize the proceedings of road commissioners of De Kalb county;

No. 113, a bill to repeal an act entitled, an act to incorporate the Greencastle Savings Institution and Manufacturing and Trading Company, approved February 16, 1839;

No. 122, a bill to legalize the proceedings of the board doing county business in Huntington county;

No. 137, a joint resolution relative to the Secretary of State's office; Were severally read a first time and ordered to a second reading.

No. 97, a bill to incorporate the town of Noblesville in the county of Hamilton, Indiana;

No. 141, a bill to incorporate the city of Fort Wayne;

No. 155, a bill to incorporate the Walnut Ridge Cemetery;

Were severally read a first and second times, and referred to the committee on corporations.

No. 118, a bill to incorporate the Anderson River bridge company;

No. 121, a bill to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance company;

No. 129, a bill to authorize John T. Wheeler, a minor, to sell real estate;

Were severally read a first and second times and referred to the judiciary committee.

No. 100, a bill to locate a state road in the counties of Tippecanoe and Jasper;

Was read a first and second times and referred to the committee on roads.

No. 94, a bill declaring certain names therein misprints;

Was read a first and second times, and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Thompson, Riley, Blair and Nave.

No. 95, a bill to regulate the jurisdiction of justices of the peace in Brown county;

Was read a first, second and third times, and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Tannehill, Angle, Thompson and Brady.

No. 99, a bill concerning the tax imposed upon the land of residents in the county of Pike for the purpose of opening and repairing roads and highways;

Was read a first and second times and ordered to a third reading.

No. 101, a bill to establish a state road therein named;

Was read a first and second times and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Kennedy, Williams and Ewing of Allen.

No. 107, a bill to authorize Stephen Barns to build a mill dam across White river;

Was read a first and second times and referred to a select committee.



*Ordered*, That said committee consist of Messrs. Dobson, Hargrove and Berry.

No. 136, a bill for the relief of William Kempton;

Was read a first and second times and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Arion, Armstrong and Baird of St. Joseph.

No. 140, a bill authorizing Daniel M. Ingersoll and James Jessup to build a mill dam across Eel river in Green county;

Was read a first and second times and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Dobson, Hargrove and Berry.

No. 116, a joint resolution in relation to the coining of gold dollars, &c;

Was read a first and second times and laid upon the table.

No. 143, a joint resolution relative to the two White rivers, in Indiana;

Was read a first and second times and laid upon the table.

The President laid before the Senate a communication from Lucius H. Scott, Esq., one of the Fund Commissioners, transmitting certain information, in answer to certain resolutions of inquiry by the Senate.

The following part of said communication was read and laid upon the table:

OFFICE FUND COMMISSIONERS,  
Indianapolis, 30th Jan. 1840.

The following resolution of the Senate has been communicated, on this morning, to the Fund Commissioners:

*Resolved*, That the attention of the Board of Fund Commissioners be again respectfully called to the resolution of the Senate of the 2d instant, calling for information as to what amount of interest has been paid upon state bonds sold for the prosecution of the Wabash and Erie canal and the general system of internal improvement during each respective year, since the first state bonds were sold, &c., the said board in their reply to the above resolution having failed to give the necessary information in relation to the interest paid, &c. for any year prior to 1835.

The undersigned, having examined the records of the office, finds his former report upon this subject correct; but it may be better understood by making the following explanation: The first state bonds sold were one hundred thousand dollars to J. D. Beers in August, 1832, for the Wabash and Erie canal. The money was deposited in the Merchants' Bank, New York, on interest until wanted by the state. The interest due from the bank being about equivalent to that due upon the bonds, and as the interest upon the bonds was made payable at the bank, the bank paid the interest on the bonds when due and charged it up against the state or the Fund Commissioners, and no settlement made of the account until the time specified in the former report of the undersigned on this subject, viz: the year 1835. The

undersigned would remark that the aforesaid \$100,000 state bonds were the only sales made up to 1835.

Respectfully submitted,  
L. H. SCOTT, F. C.

The following part of said communication was read and laid upon the table.

OFFICE FUND COMMISSIONERS,  
Indianapolis, January 31, 1840.

The following resolution of the Senate of the 22d instant has been this day communicated to the board:

*Resolved*, That the Fund Commissioners be requested to report to the Senate at as early a day as practicable, whether any of the members of the late board of internal improvement, have failed or neglected to make settlement of their respective accounts, and if any, the name or names of such persons so failing or neglecting.

In obedience to the above, the undersigned would remark that the only members of the late board of internal improvement, whose accounts are not closed upon the books of this office, are D. H. Maxwell and J. B. Johnson, Esquires. In relation to the former, the reason why his account has not been closed is that an error of about \$400 has been detected, which he was unapprized of at that time, and probably yet is,—and in regard to Mr. Johnson, his account will be closed so soon as he can find some mislaid vouchers or procure new ones.

Respectfully submitted,  
L. H. SCOTT, F. C.

So much of said communication as relates to the contracts let upon the Madison and Indianapolis rail road, since the order of suspension upon the public works, &c., was laid upon the table and 100 copies ordered to be printed.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills and joint resolution, and find the same truly enrolled, to wit:

No. 74 of the Senate, an act to incorporate the Indiana General Baptist Seminary in the county of Vanderburgh;

No. 56 of the House, an act to legalize certain acts of the board doing county business in the county of Dubois;

No. 71 of the House, an act to amend an act entitled an act to incorporate the New Harmony Working Men's Institute for mutual instruction;



No. 83 of the Senate, a joint resolution for the relief of Peter Houston;

No. 68 of the Senate, an act to incorporate the Rockville, Parke county, Female Seminary;

Mr. Tuley, from the joint committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills have presented to his Excellency, the Governor, for his approval and signature, the following bill which originated in the Senate, to-wit:

No. 64, an act granting relief in a certain case therein named.

And on motion, the Senate adjourned.

#### FRIDAY MORNING, JAN. 31.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed an engrossed bill thereof, No. 221, an act to amend an act regulating the mode of summoning and empaneling grand and petit jurors, approved February 17, 1838, as far as relates to the county of Owen;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first, second, and third times and passed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills of the Senate, as follows, to-wit:

No. 68, an act to incorporate the Rockville Parke County Female Seminary;

No. 74, an act to incorporate the Indiana General Baptist Seminary in the county of Vanderburgh;

Also a joint resolution of the Senate,

No. 83, a joint resolution for the relief of Peter Houston;

Also the following enrolled bills of the House, to-wit:

No. 56, an act to legalize certain acts of the board doing county business in the county of Dubois;

No. 71, an act to amend an act entitled an act to incorporate the New Harmony Working Men's Institute for mutual instruction, approved February 15, 1839;

I am directed to bring the same to the Senate for the signature of the President thereof.

Said bills were signed by the President of the Senate.

Mr. President—

The House of Representative have passed engrossed bills of the Senate as follows, to-wit:

No. 68, an act to incorporate the Rockville Parke County Female Seminary;

No. 74, an act to incorporate the Indiana General Baptist Seminary in the county of Vanderburgh,

Each without amendment;

Also a joint resolution of the Senate, to-wit:

No. 83, a joint resolution for the relief of Peter Houston, without amendment.

The House of Representatives have also passed engrossed bills thereof as follows, to wit:

No. 148, an act to change the name of Susannah Dearing, and for other purposes;

No. 196, an act for the relief of Isaac Pinnock;

In which the concurrence of the Senate is respectfully requested.

Said bill, No. 148, was read a first time.

Mr Kennedy moved that said bill be rejected;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Blair, Bowen, Brady, Carnan, Cathcart, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Green, Herriott, Kennedy, Kinzer, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smiley, Stafford, Stephenson, Thompson, Tuley, Watt, Watts, Williams and Wright—36.

*Those who voted in the negative were,*

Messrs. Bell, Berry, Chamberlain, Hackett, Hargrove, and Tanglehill—6.

So said bill was rejected.

Bill No. 196, in said message was read a first time, and the rules of the Senate being suspended, said bill was read a second time and referred to a select committee.

Ordered, That said committee consist of Messrs. Riley, Hackett, and Armstrong.

The bill of the House of Representatives, entitled,

No. 86, a bill to re-locate the seat of justice of the county of Dubois.



grange, was read a first and second times, and referred to the judiciary committee.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have concurred in the resolution of the Senate in relation to the University at Bloomington, with an amendment, in which the concurrence of the Senate is respectfully requested.

Messrs. Henley, Jenckes, and Hull have been appointed a committee on the part of the House.

The House of Representatives have also passed an enrolled bill thereof,

No. 186, an act to amend an act entitled an act dividing the state into judicial circuits and fixing the times of holding courts therein, and for other purposes;

In which the concurrence of the Senate is also respectfully requested.

The House of Representatives have concurred in the amendment of the Senate to the resolution of the House in relation to the election of bank directors;

An amendment of the House of Representatives to a resolution of the Senate in relation to the University at Bloomington:

After the word University, where it occurs last, insert the following:

The said committee shall further inquire into the expediency of attaching a professor of agriculture to said University; adopted January 25, 1840.

And said amendments were concurred in by the Senate.

Said bill, No. 186, was read a first time;

On motion of Mr. Riley said bill was rejected.

The following message was received from the House of Representatives, by Mr. McGaughey, a member:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof, as follows, to-wit:

No. 203, an act to postpone the February term of the probate court of Putnam county, in the year 1840;

In which the concurrence of the Senate is respectfully requested.

Said bill No. 205, was read a first time;

On motion of Mr. Stephenson, the rules of the Senate were suspended, and the bill read a second and third times and passed.

Mr. Ewing of Cass presented the petition of John W. Wright and others, citizens of Cass county, asking an extension of the time of holding the circuit court in Cass county, which was read and referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Ewing of Cass, Kennedy, and Brady.

Mr. Watt, from the committee on elections, made the following report:

Mr. PRESIDENT—

The committee on elections, to which were referred the credentials of the newly elected Senators, have examined the certificates referred to them, and have directed me to report that the following gentlemen appear to have been duly elected, to-wit:

From the counties of Elkhart, Noble, DeKalb, Lagrange, and Steuben—Ebenezer M. Chamberlain.

From the counties of Grant, Wabash, Huntington and Blackford—John Foster.

From the counties of Knox, Daviess and Martin—Robert N. Carnan.

From the counties of Vanderburgh, Posey and Warrick—Joseph Lane.

From the counties of Hamilton and Boon—Jacob Angle.

From the counties of Perry, Spencer and Crawford—George B. Thompson.

From the county of Ripley—James H. Cravens.

From the county of Henry—Jehu T. Elliott.

From the counties of Bartholomew, Jennings and Brown—Zachariah Tannehill.

From the county of Hendricks—Christian C. Nave.

From the county of Tippecanoe—Thomas Smiley.

From the county of Parke—Joseph A. Wright.

From the county of Harrison—Henry Kinzer.

From the counties of Vermillion, Warren and part of Jasper—James Blair.

From the counties of Jackson and Scott—John F. Carr.

From the county of Monroe—William Berry.

From the county of Johnson—Samuel Herriott.

From the county of Putnam—Alexander C. Stephenson.

From the county of Shelby—Joseph B. Nickel.

Mr. Beard of M., from the committee of ways and means, made the following report:

Mr. PRESIDENT—

The committee of ways and means, to whom was referred a resolution of the Senate, directing them to inquire into the propriety of amending the revenue law so as to tax traveling pedlars, have had that subject under consideration and directed me to report a bill:

No. 124, a bill to license pedlars to vend merchandise.



Said bill was read a first and second times and referred to a select committee.

*Ordered*, That Messrs. Angle, Bowen and Brady constitute said committee.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the Senate No. 60, entitled a bill to prohibit the American Fur Company from banking in this state and other purposes, have, after examining its provisions, instructed me to report it without amendment and recommend its passage.

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Baird of St. Joseph, from the committee on the judiciary, made the following report:

MR. PRESIDENT—

The committee on the judiciary, to whom was referred a bill of the Senate, No. 35, entitled a bill to prohibit the amalgamation of whites and blacks, have had the same under consideration. Your committee believe, that there is no subject which, in the present state of the times, calls more loudly for legislative interposition than the one before them. It is an infraction of the laws of the Almighty, for one moment to allow the pernicious doctrine of such amalgamation to have an abiding place in our government or upon our statute books, being marked as they are by the eternal and unchangeable laws of God, the one *white*, the other *black*. Your committee believe, that any man or set of men who would encourage, counsel, aid or abet in such unholy marriages as said bill prohibits, deserve the just animadversion of every christian, philanthropist and patriot, and should be punished by severe penalties imposed by legislative enactment. It is with extreme regret that your committee have been informed that recently in this city, a negro man was by regular license from the Clerk of the Marion circuit court, married to a white woman, who as your committee are informed and believe, was of respectable parentage and of an excellent family, recently from Boston, where was, in the battle at Lexington shed some of the purest blood of our immortal revolutionary fathers; a land which has never sanctioned such unnatural alliances by any laws of hers, and your committee would fain hope that neither she, nor any other christian land ever may give them legislative sanction.

The committee regret that any recurrence should have made it necessary for the legislature of Indiana to call their attention to this alarming subject. Nevertheless, it is true, that at the present time there is no legal prohibition to these marriages, which omission, we

suppose to be owing entirely to the fact, that previous legislatures supposed that no circumstances could arise to make legislation on this subject necessary, that previous legislatures have gone upon the supposition, that this subject was sufficiently controlled and regulated by public opinion, and that the rules of society in which we live, afforded a safe guaranty against such occurrences above alluded to. In this hypothesis however, we find ourselves mistaken, and we are now imperiously called upon to interfere by recommending the passage of said bill with one amendment, which is to strike the same out from the enacting clause and insert the following:

And said report was concurred in.

And on motion, the Senate adjourned.

*2 o'clock P. M.*

The Senate assembled.

Mr. Chamberlain, having obtained leave, introduced a bill, entitled, No. 125, a bill to repeal an act entitled an act repealing all laws and parts of laws now in force, granting premiums for wolf scalps, approved Feb. 17, 1838;

Which was read a first time and ordered to a second reading.

Mr. Baird of St. Joseph moved to suspend the rules of the Senate, and take up the bill on the subject of the amalgamation of whites and blacks, which was pending at the last adjournment;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Carnan, Cathcart, Chamberlain, Ewing of Cass, Green, Hackett, Kinzer, Lane, Moffatt, Nave, Smiley, Smith, Tuley and Watts—18.

*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Blair, Bowen, Brady, Clark, Cravens, Dobson, Hargrove, Morgan, Mount, Nickel, Riley, Stephenson, Tannahill, Thompson, Watts, Williams and Wright—19.

So said motion did not prevail.

The Senate then took up bill No. 97, to amend an act to modify the plan of carrying on the public works.

The amendment offered by Mr. Blair being under consideration, Mr. Wright proposed to amend said amendment by inserting after the words *Terre-Haute*, in the 6th line, the following words:

And that the surveying and locating said route shall be paid out of the funds arising from the sale of said lands;

Which amendment to the amendment was accepted by Mr. Blair, the mover of said original amendment.

Mr. Carnan moved that said amendment be laid upon the table.



The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Bell, Carnan, Cathcart, Chamberlain, Clark, Cravens, Elliott, Green, Herriott, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nave, Nickel, Thompson, Tuley, and Watts—21.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. J., Beard of M., Berry, Blair, Bowen, Brady, Dobson, Ewing of Cass, Ewing of Allen, Hackett, Hargrove, Moffatt, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Watt, Williams, and Wright—23.

So said amendment was not laid upon the table.

Mr. Wright, then modified his amendment, so as to strike out all of the amendment of Mr. Blair, after the said words "Terre-Haute;"

Which was agreed to by the Senate.

On motion of Mr. Armstrong, said amendment was further amended as follows:

*Provided*, That in prosecuting the works as provided in the first section of this act, the board of internal improvement shall not be bound to prosecute said extension in preference to other works.

Mr. Carnan moved to amend said amendment to the amendment, as follows:

After the words "other works" at the end of said amendment, add the following words "of the system of 1836;"

Which motion prevailed.

The question being on the adoption of the amendment as amended, The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Blair, Brady, Cathcart, Cravens, Ewing of Cass, Ewing of Allen, Green, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smith, Stafford, Stephenson, Tannehill, Thompson, Watt, Watts, Williams and Wright—25.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Carnan, Chamberlain, Clark, Dobson, Elliott, Hackett, Hargrove, Herriott, Kennedy, Lane, Moffatt, Riley, Smiley, and Tuley—19.

So said amendment was adopted.

Mr. Dobson moved to amend said amendment as follows:

*Provided further*, That that part of the Madison and Indianapolis rail road which lies between Vernon and Indianapolis be, and the same is hereby declared to be a McAdamized road.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Chamberlain, Clark, Dobson, Elliott, Hackett, Hargrove, Lane, Moffatt, and Riley—9.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Cathcart, Cravens, Ewing of Cass, Ewing of Allen, Green, Herriott, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, and Williams—32.

So said amendment did not prevail.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled bill thereof,

No. 205, an act to postpone the February term of the probate court of Putnam county for the year 1840,

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

Mr. Tuley from the joint committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have on this day presented to his Excellency the Governor, for his approval and signature the following bills and joint resolution, to wit:

No. 74, of the Senate, an act to incorporate the Indiana General Baptist Seminary,

No. 56, of the House, an act legalizing certain acts of the board doing county business in the county of Dubois,

No. 71, of the House, an act to amend an act entitled, an act to incorporate the New Harmony Working Men's Institute for mutual instruction,

No. 68, of the Senate, an act to incorporate the Rockville, Parke County Female Seminary,

No. 83, of the Senate, a joint resolution for the relief of Peter Houston.

Mr. Tuley, from the joint committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills, have compared the following enrolled with the engrossed bill, and find the same truly enrolled:



No. 203, of the House, an act to postpone the February term of the probats court of Putnam county, in the year 1840,  
And, on motion, the Senate adjourned.

### SATURDAY MORNING, FEB. 1.

The Senate assembled.

Mr. Riley presented the petition of John B. Moyer and others, praying the Legislature to incorporate the "Orleans Common School Society;" which was read and referred to the committee on education.

Mr. Carnan, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred the petition of Samuel Comer and others, relative to school lands therein mentioned, have had the same under consideration, and have directed me to report the following bill and ask its passage.

Said bill entitled, No. 127, a bill relative to school section No. 16, town 1, north of range 6 west, was read a first, second, and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the House of Representatives number 51, have duly examined its provisions, and instructed me to make one amendment, to wit: in 5th line, 1st section, strike out the word "may," and insert the word "does;"

To which the concurrence of the Senate is respectfully requested.

Said amendment was concurred in, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill No. 45, entitled, a bill to repeal part of the 38th section of an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838, have, after examining its provisions, instructed me to report it

without amendment and recommend that it be postponed until the middle of August next.

The question being on concurring in said report,  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Berry, Blair, Brady, Carnan, Cathcart, Chamblain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Green, Hackett, Kennedy, Kinzer, Lane, Morgan, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Tannehill, Thompson, Tuley, Watts, Williams, and Wright—32.

*Those who voted in the negative were,*

Messrs. Beard of M., Bell, Bowen, Hargrove, Herriott, Lowe, Mount, and Watt—8.

So said report was concurred in,

And said bill was so postponed.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill entitled, a bill number 112, to incorporate the Spencer County Working-man's Institute, have instructed me to report it without amendment, and recommend its passage.

Said bill was read a third time and passed.

Mr. Kennedy, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill for the formation of the county of Van Buren, having had that subject under consideration, and a majority of said committee having reported said bill back to the Senate and recommended its indefinite postponement, on the ground that an act for that purpose would be unconstitutional, the undersigned, minority of said committee, dissenting from the opinion of the majority, report:

That in the year 1832, Wabash county was organized, embracing within her limits the exact territory which is left her by the bill providing for the formation of the county of Van Buren. At the time of the organization of Wabash county, the entire country north of her, now constituting the county Kosciusko, and all the territory within the limits of the proposed new county, was unorganized territory. Wabash at that time chose to take no more territory than the bill under consideration now leaves her. In the year Kosciusko was organized, leave



ing between her southern and the northern boundary of Wabash and part of Miami, a strip of territory neither attached to, nor embraced within the limits of either of said counties, three miles in width and twenty-one miles in length.

Such was the condition in which this unattached and unorganized strip of territory remained until the session of 1838, when the laws were revised. The people residing thereon, having suffered some inconvenience from their situation, and that and the territory adjacent on the north not being sufficiently populous to justify them in forming a new county, petitioned the Legislature to attach them to the then organized counties of Wabash, Miami, and Fulton, temporarily, until an increase of population would justify them in organizing a new county, expressly stipulating, that thereby their claims to the formation of a new county at a future day, should not be prejudiced.

In pursuance of, but *not in accordance with* this prayer, the committee who revised the law in relation to the county boundaries, embraced this territory in the different sections of the act defining the boundaries of Wabash, Miami, and Fulton.

The bill under consideration proposes now to restrict the old counties of Wabash, Miami, and Fulton, to their original limits by taking the above named territory, together with nine miles in width off the south side of Kosciusko county, and out of that territory form the proposed new county. By this arrangement, Kosciusko county will still retain within her limits 400 square miles, and leave Wabash, Miami, and Fulton, with the exact extent of territory which they originally, in their formation, chose to embrace within their respective limits, which in each case will be less than 400 square miles.

The simple question now to be decided is, would the passage of this bill, under these circumstances be an infraction of the constitution of Indiana? The majority of the committee say it would. From which conclusion we dissent.

The 12th section of the 11th article of the constitution says, "The General Assembly, when they lay off any new county, shall not reduce the old county or counties from which the same shall be taken, to a less content than four hundred square miles." This is the clause of the constitution which the majority of the committee say would be violated by the passage of the bill. Without stopping to inquire what counties the framers of the constitution intended should be meant by the term "old counties" the minority of the committee are clearly of opinion that the present case is neither within the letter or spirit of that clause of the constitution.

The framers of the constitution no doubt intended, that no *old* county, which had embraced within her limits as originally organized, the number of 400 square miles or upwards, should have her *original limits* reduced by the formation of new counties, to less than 400 square miles. They certainly never intended that if, after the formation of a new county embracing the desired amount of territory, it should happen that by *mistake* or for temporary convenience, more territory

than she originally desired should be *attached* to her, the legislature should never after *detach* such territory, merely for the reason that in her original constitutional organization she chose to have less than 400 square miles; as she would thereby only be reduced to her *old* constitutional limits.

The undersigned believe that in giving a proper construction to the constitution, they should look to the spirit as well as to the letter of that instrument. And they suppose that all will concede the point that if this act cannot be *now* passed without violating the letter and spirit of the constitution, that no *preparatory* act which this legislature could pass, would obviate that difficulty. Or in other words, that the legislature cannot do that by *two* acts which they are prohibited from doing by *one*. Let us test this principle by the one now in hand. Wabash county is bounded on the south by the great Miami Reserve. Now suppose the legislature to-day pass an act attaching a strip of ten miles wide of that unappropriated territory to the south side of Wabash county. This territory, according to the opinion of a majority of the committee, would from thenceforward become a part of Wabash county proper. And suppose to-morrow we pass this bill detaching this three mile strip from the north side of the county. Would gentlemen then say that the constitution was violated? No. It would not be then contended by them that either its spirit or letter was broken; and why? Because there would be still left with the *old* county of Wabash, according to their reasoning, 400 square miles.

Without adding any thing further by way of argument upon this question, the undersigned in conclusion say that as they are satisfied that this bill does not propose to reduce either the county of Wabash, Miami, or Fulton below their original limits, and that as the territory proposed to be detached from them was formerly attached to them for temporary purposes, they are satisfied that would violate neither the spirit nor letter of the constitution. As to the *expediency* of the measure, we have nothing to say, not having examined that question..

ANDREW KENNEDY,  
E. M. CHAMBERLAIN,  
J. T. ELLIOTT,  
A. FINCH,  
HENRY W. HACKETT:

On motion of Mr. Kennedy said report was laid upon the table.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill, No. 77, entitled a bill for the benefit of Maria T. Rush of Dearborn county, have instructed me to make one amendment, Strike out the bill and insert the following:

To which the concurrence of the Senate is respectfully requested.



Mr. Thompson moved that the Senate concur in said report, with the following amendment:

Strike out the 4 last lines of the first section and insert:

Shall be paid over to a trustee to be appointed by the circuit court in said county, and by him loaned out at — per cent. interest annually, to be well secured by mortgage on real estate lying and being in said county, and the interest accruing thereon annually shall be paid over to said Maria T. Rush, after deducting such small amount therefrom as said court shall order to be retained by said trustee for his services as such; and upon the death of said Maria, then the trustee shall collect the amount loaned and all interest accruing thereon, and pay over to the Treasurer of State, subject to the disposition of the General Assembly.

On motion of Mr. Lane, said bill and amendments were laid upon the table.

Mr. Bowen, from the committee on education, made the following report:

Mr. PRESIDENT—

The committee on education to whom was referred a petition of Charles D. Bourne and others, citizens of Vanderburgh county, praying certain things therein contained, have had the same under consideration and directed me to report a bill in accordance with the prayer of said petitioners and recommend its passage.

Said bill, entitled,

No. 128, a bill amendatory of an act entitled an act incorporating congressional townships, and providing for public schools therein, approved February 17th, 1838, was read a first, second, and third times, and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred a resolution of the Senate in the following words: "That the committee on canals and internal improvements be instructed to inquire into the expediency of providing by law for the security of creditors to contractors, who have paid laborers and furnished materials to contractors on account of the public works, and any contractor who may be indebted to a greater amount than is due him from the state, in such a case, the board of internal improvement to furnish the evidence of indebtedness to such, after a dividend shall have been made. This to be done by said board at the time certificates are made, under a law passed at this session," have had the same under consideration and directed me to report that legislation thereon is inexpedient

The committee ask to be discharged from the further consideration thereof.

Which report was concurred in;

And on motion, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

The Senate took up the orders of the day.

The engrossed bill of the Senate, entitled, No. 60, a bill to prohibit the American Fur Company from banking in this state, and for other purposes, was read a third time, and

On motion of Mr. Lane, laid upon the table.

The following message was received from the House of Representatives by Mr. Harris, their Clerk:

Mr. PRESIDENT—

I am directed to inform the Senate that the House of Representatives have concurred in the first, second, fourth, eighth, ninth, and tenth amendments of the Senate to bill of the House, No. 75, entitled,

An act for the immediate relief of contractors and others engaged on the public works;

Also, that the House have refused to concur in the third and seventh amendments of the Senate to the same;

Also, that the House concurred in the fifth and sixth amendments of the Senate, to said bill, with the amendments herewith submitted.

In which the concurrence of the Senate is respectfully requested.

The following amendment of the Senate, which was not concurred in by the House of Representatives, being under consideration, to wit:

Amend 4th section 31st line, as follows; After the word "legislature" insert "or board of internal improvement."

Mr. Bell moved that the Senate insist on their said amendment;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Kennedy, Moffatt, Mount, Riley, Tannehill, Watt and Williams—20.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Cathcart, Cravens, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Smith, Thompson, Tuley, Watts and Wright—21.

So the Senate did not insist upon said amendment.

Mr. Thompson moved that the Senate recede from said amendment.

Mr. Beard of M. moved that the Senate adjourn;

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Beard of M., Brady, Carnan, Chamberlain, Elliott, Moffatt and Tannehill—9.

*Those who voted in the negative were,*

Messrs. Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Bowen, Cathcart, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Thompson, Tuley, Watt, Watts, Williams and Wright—34.

So the Senate did not adjourn.

Mr. Cravens moved the previous question.

Said motion not being seconded by a majority of the Senate, it did not prevail.

Mr. Cravens moved that the amendments be laid upon the table.

Mr. Elliott moved that the Senate adjourn;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Carnan, Chamberlain, Dobson, Elliott, Ewing of Allen, Kennedy, Moffatt, Mount, Stephenson, Tannehill, and Watt—17.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Bowen, Cathcart, Clark, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Thompson, Tuley, Watts, Williams and Wright—25.

So the Senate did not adjourn.

The question recurring on the motion to lay the amendments upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Dobson, Elliott, Ewing of Allen, Kennedy, Moffatt, Mount, Stephenson, Tannehill, and Watt—18.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Cathcart, Clark, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Thompson, Tuley, Watts, Williams and Wright—24.

So said amendments were not laid upon the table.

Mr. Kennedy moved that the Senate adjourn.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Brady, Carnan, Chamberlain, Clark, Elliott, Ewing of Allen, Kennedy, Moffatt, Mount, Tannehill, and Watt—16.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Bowen, Cathcart, Cravens, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Thompson, Tuley, Watts, Williams and Wright—26.

So the Senate did not adjourn.

Mr. Kennedy moved that the Senate adjourn;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Carnan, Chamberlain, Elliott, Ewing of Allen, Kennedy, Moffatt, Mount, Tannehill, Tuley, and Watt—16.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Cathcart, Clark, Cravens, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Thompson, Watts, Williams and Wright—24.

So the Senate did not adjourn.

Mr. Chamberlain moved a call of the Senate;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. J., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Dobson, Elliott, Ewing of Allen, Kennedy, Moffatt, Mount, Riley, Tannehill, Tuley, and Watt—18.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Blair, Cathcart, Clark, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Thompson, Watts and Wright—22.

So said motion for a call of the Senate did not prevail.



Mr. Moffatt moved that said amendments lie upon the table;  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Carnan, Chamberlain, Elliott, Ewing of Allen, Kennedy, Moffatt, Mount, Tannehill, Watt and Williams—15.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Bowen, Cathcart, Clark, Cravens, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Thompson, Tuley, Watts and Wright—25.

So said amendments were not laid upon the table.

The question then recurring on the motion that the Senate recede from said amendment;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Blair, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Thompson, Tuley, Watts and Wright—21.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Kennedy, Moffatt, Mount, Riley, Tannehill, Watt and Williams—20.

So the Senate receded from said amendment.

The following message was received from the Governor, by Mr. Moore, his private secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate, that he did, on Thursday last, 30th ultimo, approve and sign an act entitled:

An act granting relief in a certain case therein named;

And that on yesterday, 31st ultimo, he approved and signed acts of the titles following, to wit:

An act to incorporate the Rockville, Parke county Female Seminary;

An act to incorporate the Indiana General Baptist Seminary, in the county of Vanderburgh;

And also a joint resolution entitled,

A joint resolution for the relief of Peter Houston;  
All of which originated in the Senate.

On motion of Mr. Beard of M.,  
The Senate adjourned.

MONDAY MORNING, FEB. 3.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Judah, a member:

MR. PRESIDENT—

The House of Representatives have adopted the following resolution:

*Resolved*, That Mr. Judah be directed to request the Senate, in the name of the House, to return to the House the bill which it has just passed, entitled a bill to amend the act subjecting real and personal property to execution.

On motion of Mr. Brady, the Senate ordered said bill to be returned to the House of Representatives.

Mr. Chamberlain moved that the rules of the Senate be suspended, and that he have leave to introduce the following resolution:

*Resolved*, That T. A. Morris, one of the engineer corps, be required forthwith to lay before the Senate a statement of the cause of his recent visit to Terre Haute, and whether or not said visit was made in discharge of any of his official duties, and by authority of the board of internal improvement.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Brady, Chamberlain, Kennedy, Kinzer, Lane, Smiley, Tuley and Wright—8.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Blair, Bowen, Carnan, Cathcart, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Green, Hackett, Hargrove, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Stephenson, Tannehill, Thompson, Watt, Watts, and Williams—32.

So leave to introduce said resolution was not granted.

On motion of Mr. Lane, the rules of the Senate were suspended, and the bill on the subject of the American Fur Company taken up.

And on motion, the Senate adjourned.



2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate a communication from L. H. Scott, Esq. one of the fund commissioners, in relation to interest upon state bonds, in reply to a resolution of inquiry of the Senate on that subject, which was read,

On motion of Mr. Cathcart said communication was referred to the committee on ways and means, and 200 copies thereof ordered to be printed for the use of the Senate.

On motion of Mr. Ewing of Allen, the Senate resumed the consideration of the bill relative to the American Fur Company, which was under consideration at the last adjournment.

Mr. Cathcart moved to recommit said bill to a select committee with the following instructions:

Strike out *all* except the enacting clause and insert the following:

That whenever the sheriff of any county in this state, shall have reason to suppose that any person or persons in this state are about to avoid the payment of taxes by removing any property of any kind whatever out of this state, or in any other manner whatever, or upon the affidavit of any person stating such a belief on his part being presented to such sheriff, to proceed immediately to assess and collect the amount of tax due upon such assessment in the same manner as may be provided for by law in other cases, except as modified by this act.

This act to be in force from and after its passage.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Cathcart, Elliott, Green, Lowe, Moffatt, Morgan, Mount, Nickel, Stephenson, and Watts—17.

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carnan, Chamberlain, Clark, Dobson, Ewing of Allen, Ewing of Cass, Finch, Hackett, Hargrove, Kennedy, Kinzer, Lane, Nave, Smiley, Smith, Tannehill, Tuley, Watt, Williams, and Wright—23.

So said motion did not prevail.

The question recurring on the passage of said bill,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Berry, Brady, Carnan, Chamberlain, Clark, Ewing of Cass, Ewing of Allen, Finch, Hargrove, Kennedy, Kinzer, Lane, Nave, Smiley, Smith, Tannehill, Tuley, Watt, Williams and Wright—21.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Cathcart, Cravens, Elliott, Green, Hackett, Lowe, Moffatt, Morgan, Mount, Nickel, Stephenson, Thompson, and Watts—20.

So said bill passed.

Ordered, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Harriman, a member:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof No. 146, an act to encourage the raising of sheep and hogs and to increase the revenue of the state and the wealth of the people, in which the concurrence of the Senate is very respectfully requested.

Said bill was read a first and second times.

Mr. Ewing of A. moved that said bill be referred to a committee of the whole Senate and made the order of the day for Wednesday next; Which motion did not prevail.

Mr. Angle moved that said bill be committed to the same committee to whom was referred the bill on the subject of providing for the payment of sheep killed by dogs;

Mr. Morgan moved to amend said motion by adding that the following instructions be sent to said committee, viz: To strike out the second section of said bill.

A division of the question being called for, and the question being on committing said bill, it was decided in the affirmative;

And said bill was so committed.

The question recurring on the instructions,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Beard of M., Berry, Blair, Brady, Clark, Cravens, Hargrove, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stephenson, Thompson, Watt, Watts, and Williams—24.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Joseph, Bell, Carnan, Carr, Cathcart, Chamberlain, Dobson, Elliott, Ewing of Allen, Finch, Hackett, Herriott, Kennedy, Lane, Smiley, Tannehill, Tuley, and Wright—19.

So said instructions were adopted.

The following message was received from the House of Representatives by Mr. Harris, their clerk:



## Mr. President—

The House of Representatives have passed an engrossed bill thereof, as follows, to-wit:

No. 246, an act for the relief of R. and H. Stewart,

In which I am directed to ask the concurrence of the Senate.

Said bill was read a first time;

On motion of Mr. Carnan, the rules of the Senate were suspended, and the bill read a second time and referred to the judiciary committee.

The bill of the House of Representatives,

No. 77, to dissolve the bands of matrimony between Charles Fullerton and Eleanor Fullerton, was taken up.

The question being on the indefinite postponement of said bill,

On motion of Mr. Thompson said bill was referred to a select committee with the following instructions:

That said committee inquire into the constitutionality of granting said divorce, and if it be found to be unconstitutional, then to provide by law that said Fullerton may have the right of change of venue to some other convenient judicial circuit, in which to prosecute his suit.

Ordered, That said select committee consist of Messrs. Thompson, Lane, and Finch.

And on motion, the Senate adjourned.

## TUESDAY MORNING, FEB. 4.

The Senate assembled.

Mr. Bowen moved that the rules of the Senate be suspended, and that leave be granted him to introduce the following resolution:

Resolved, That the Secretary of the Senate be directed to request the House to return to the Senate a bill entitled a bill to restrict the American Fur Company from banking in this state, and for other purposes.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of M., Berry, Blair, Bowen, Cathcart, Elliott, Herriott, Lowe, Morgan, Mount, Nickel, Stephenson and Watts—14.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Bell, Brady, Carnan, Carr, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Hackett, Hargrove, Kennedy, Kinzer, Lane, Nave, Riley, Smi-

ley, Tannehill, Thompson, Tuley, Watt, Williams and Wright—28.

So leave was not granted to introduce said resolution.

The Senate then took up the bill for the relief of contractors.

The House of Representatives having refused to concur in the amendment of the Senate to the 6th section of the bill of the House, Mr. Dobson moved that the Senate insist upon their said amendment.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Caraan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Lane, Moffatt, Mount, Nave, Smith, Stephenson, Tannehill, Tuley, Watt, and Williams—26.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Cravens, Ewing of Cass, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nickel, Riley, Smiley, Thompson, Watts and Wright—19.

So the Senate insisted upon said amendment.

The fifth amendment of the Senate, as amended by the House of Representatives being under consideration,

On motion of Mr. Kennedy, the Senate refused to concur in the proposed amendment of the House to said amendment of the Senate.

The second amendment of the House to the fifth amendment of the Senate being under consideration,

Mr. Wright moved that the Senate concur in said amendment.

Mr. Armstrong moved further to amend the amendment of the House of Representatives, by striking out as follows:

And that until said confirmation is made, it shall be the duty of the fund commissioner or commissioners to keep separate accounts of money expended on that portion of the Wabash and Erie canal which lies east, from that which lies west of the mouth of Tippecanoe river.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Bell, Carnan, Cathcart, Green, Hackett, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smith, Stephenson, Thompson, Tuley, Watts and Wright—20.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Berry, Blair, Bowen, Brady, Carr, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Hargrove, Herriott, Kennedy, Lane, Moffatt, Smiley, Tannehill, Watt, and Williams—21.

So said amendment to the amendment did not prevail.

And on motion the Senate Adjourned.



2 o'clock, P. M.

The Senate assembled.

Mr. Armstrong moved to amend said amendment of the House of Representatives, by adding the following proviso:

"Provided, That said survey and location shall be paid out of the proceeds of said canal lands; and provided also, that in case the claim to the lands aforesaid is not confirmed, nothing in this act shall be so construed as to authorize the expenditure of money in said extension.

Mr. Lane moved that said amendment be laid upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Hargrove, Herriott, Lane, Moffatt, Tannehill, Watt, Williams, and Wright—23.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Cravens, Hackett, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stephenson, and Watts—15.

So said amendment was laid upon the table.

The question recurring on concurring in said amendment of the House of Representatives,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Beard of M., Blair, Bowen, Brady, Dobson, Ewing of Cass, Ewing of Allen, Hargrove, Herriott, Lane, Moffatt, Stephenson, Tannehill, and Wright—15.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Baird of St. J. Bell, Berry, Carnan, Carr, Chamberlain, Clark, Cravens, Elliott, Hackett, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Tuley, Watt, Watts, and Williams—25.

So the Senate refused to concur in said amendment.

Mr. Lane moved that the Senate re-consider the vote taken on Saturday last, on receding from the amendment of the Senate to the 31st line of the 4th section of the bill of the House of Representatives.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry,

Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Moffatt, Mount, Riley, Tannehill, Watt, and Williams—22.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Stephenson, Thompson, Tuley, Watts, and Wright—23.

So said vote was not reconsidered.

The Senate then concurred in the 3d amendment of the House.

The 4th amendment of the House to the 6th amendment of the Senate, as follows:

After the words "bonds of state," in 15th line 6th amendment, insert the words "at par in cash" being under consideration.

The question being on concurring in the same,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Cravens, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Morgan, Nickel, Thompson, Watts, and Wright—16.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Herriott, Kennedy, Lane, Moffatt, Mount, Nave, Riley, Smiley, Smith, Stephenson, Tannehill, Tuley, Watt, and Williams—29.

So said amendment was not concurred in by the Senate.

Mr. Brady moved that the rules of the Senate be suspended, and that select committees have leave to report;

Which motion did not prevail.

The following message was received from the House of Representatives by Mr. Harris their clerk:

MR. PRESIDENT—

I am directed to inform the Senate that the House of Representatives have passed an engrossed bill thereof, as follows, to wit:

No. 45, an act to amend an act subjecting real and personal estate to execution, approved February 4, 1831;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first and second times, and referred to the judiciary committee.

On motion of Mr. Bell, select committees were permitted to report.

Mr. Brady, from a select committee, made the following report:



MR. PRESIDENT—

The committee on the affairs of the town of Indianapolis, to whom was referred an engrossed memorial and joint resolution relative to the town of Indianapolis have, according to order, had the same under consideration and have directed me to report it back and request its passage.

Said joint resolution was read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Dobson, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the bill of the House number 107, have had that subject under consideration and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Said bill, entitled

No. 107, a bill to authorize Stephen Barnes to build a dam across White river, was read a third time and passed.

Mr. Riley from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill for the relief of Isaac Pinick have had the same under consideration and have instructed me to report the same back without amendments, and recommend its passage.

Said bill was read a third time and passed.

Mr. Arion from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred an engrossed bill of the House, number 136, for the relief of William Kampton, have had the same under consideration, and directed me to report the same back to the Senate with one amendment: Strike out said bill and preamble, and insert the following, in which amendment I am directed to ask the concurrence of the Senate.

Said report was concurred in and the bill read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Tuley, from the joint committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills and joint resolution, and find the same truly enrolled,

No. 11, of the Senate,

An act for the relief of the heirs of Martin Berg,

No. 27, of the Senate, an act to extend the time of payment to purchasers of school lands in Monroe county,

No. 39, of the Senate, an act to amend an act for the incorporation of county libraries, approved 17th February, 1838,

No. 8, of the Senate, an act to provide for the support of the indigent blind of this state,

No. 14, of the Senate, a joint resolution on the subject of a certain mail route therein named,

No. 102, of the Senate, an act for the relief of Conrad Stacer, of Vanderburgh county, Indiana,

No. 7, of the Senate, an act entitled, an act amendatory to an act entitled an act relative to practice in circuit courts,

No. 124, of the House, an act to provide for the election of a justice of the peace and constable, in the town of Canton in Washington county,

No. 126 of the House, an act to provide for the election of a justice of the peace in the town of Macksville in Vigo county;

No. 144 of the House, a joint resolution relative to a grant of lands for an asylum for deaf mutes and blind persons;

No. 138 of the House, an act to provide for the election of justice of the peace in the town of Bainbridge in Putnam county;

No. 102 of the House, an act to authorize the election of an additional justice of the peace in Wayne township in Marion county;

No. 89 of the House, an act to vacate the town of Voltanville;

No. 145 of the House, an act relative to the three per cent. fund of Spencer county;

No. 93 of the House, an act to repeal an act entitled an act to vacate a state road from Corydon in Harrison county, to the Ohio river opposite the mouth of Salt river, Kentucky;

No. 90 of the House, an act to change the name of Wilmington in Rush county;

No. 19 of the House, an act to repeal so much of an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named, as relates to the counties of Clinton, Delaware and Hancock:

No. 117 of the House, an act concerning a school section in the county of Tippecanoe;

No. 103 of the House, an act to locate a state road in Green county;

No. 51 of the House, an act authorizing the Vanderburgh Lyceum to sell or donate, transfer and convey real estate.

On motion, the Senate adjourned.



## WEDNESDAY MORNING, FEB. 8.

The Senate assembled.

On motion of Mr. Baird of St. Joseph, the rules of the Senate were suspended, and the Senate took from the table, the bill for the formation of the county of Van Buren and other purposes;

The question being on concurring in the report of the majority of the judiciary committee, recommending the indefinite postponement of said bill;

And, on motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Mount, having obtained leave, introduced the following resolution:

WHEREAS, by law, thirty cents on the one hundred dollars valuation of property was assessed and collected throughout the state, last year for internal improvement purposes, except the county of Cass; and whereas, said county of Cass enjoys as important benefits resulting therefrom as any other county in the state, having the W. and Erie canal passing through her limits; and in strict justice should bear as great a proportion of the public burthens, in proportion to the just valuation of her property, as any other county in the state; and it has been represented that said county of Cass did actually assess and collect only fifteen cents on the one hundred dollars valuation of her property for the last year, and in direct contravention of law; therefore,

*Be it resolved*, That the committee on ways and means inquire into the above matter, and if said county of Cass has paid only as above set forth, it is hereby made the duty of said committee, to inquire especially into the causes thereof; and said committee if necessary, are authorised to send for persons and papers; and said committee shall provide by law for the faithful assessment and collection of the deficiency of said taxes of the county of Cass as aforesaid, and report their doings as soon as practicable.

Mr. Lane moved to amend said resolution as follows:

Strike out the words "persons and papers" and insert "send for the Auditor, Treasurer and Secretary of State, and examine them relative thereto;"

Which amendment prevailed.

Mr. Ewing of Cass moved further to amend said resolution as follows:

Whereas, doubts also exist whether the taxes in Franklin county have been properly collected for the past year; therefore,

*Be it resolved*, That the said committee be further directed to look into that matter in like manner as in the case of the county of Cass.

Mr. Lowe moved to amend said amendment as follows;

And that said committee further inquire into the expediency of so graduating the tax upon real estate, in such manner that the *ad valorem* principle may be more equitably and faithfully carried out.

Said amendment to the amendment was accepted by Mr. Ewing the mover.

Mr. Ewing moved to lay said resolution and amendments upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Berry, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Hackett, Smiley, Smith, Tannehill, Tuley, and Wright—13.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Brady, Carnan, Cravens, Elliott, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Stephenson, Thompson, Watt, Watts and Williams—25.

So said resolution and amendments were not laid upon the table.

Mr. Cravens moved that said resolution be amended by striking out the preamble of the same;

Which motion prevailed, and said preamble was stricken out.

Mr. Cravens moved that said resolution be laid upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Blair, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Riley, Smiley, Tannehill, Thompson, Tuley, and Wright—25.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Elliott, Herriott, Moffatt, Mount, Nave, Smith, Stephenson, Watt, Watts and Williams—19.

So said resolution was laid upon the table.

On motion of Mr. Cravens,

*Resolved*, That the committee of ways and means inquire whether all the counties in the state paid their full amount of taxes for the year 1839, if not, that they inquire into the cause and report a bill providing for the collection of such arrearages.



Mr. Smiley, having obtained leave, introduced a bill, entitled, No. 129, an act to amend an act relating to public roads and highways, approved Feb. 17, 1838;

Which was read a first and second times and referred to the committee on roads.

Mr. Mount, having obtained leave, introduced the petition of Samuel Davis and others, citizens of Franklin county, asking the passage of an act authorizing the election of a justice of the peace and constable in the town of New Trenton;

Which was read and referred to a select committee.

Ordered, That said select committee consist of Messrs. Mount, Watts and Lowe.

On motion of Mr. Chamberlain, the rules of the Senate were suspended, and the bill for the formation of Van Buren county taken up.

Mr. Kennedy moved that the bill be referred to a select committee, with instructions to collect the testimony relative to said bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Brady, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Lowe, Nickel, Smiley, Tannehill and Tuley—20.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Thompson, Watt, Watts, Williams and Wright—23.

So said bill was not so committed.

Mr. Ewing of Cass moved that the Senate adjourn;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Brady, Carnan, Carr, Chamberlain, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Kennedy, Smiley, and Tuley—14.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Cathcart, Clark, Cravens, Hargrove, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Smith, Stafford, Stephenson, Tannehill, Thompson, Watt, Watts, Williams and Wright—28.

So the Senate did not adjourn.

Mr. Finch moved that the Senate adjourn;  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Blair, Brady, Carnan, Carr, Chamberlain, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Lowe, Smiley, Tannehill, Tuley, and Wright—19.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Bowen, Cathcart, Clark, Cravens, Herriott, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Thompson, Watt, Watts and Williams—24.

So the Senate did not adjourn.

The question then recurring on concurring in said report;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Cravens, Dobson, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Thompson, Watt, Watts, Williams and Wright—25.

*Those who voted in the negative were,*

Messrs. Brady, Carr, Cathcart, Chamberlain, Clark, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Lowe, Nickel, Smiley, Tannehill and Tuley—18.

So said report was concurred in.

Mr. Tuley, from the joint committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have presented to his Excellency the Governor, for his approval and signature, the following bills and joint resolution, originating in the Senate, to wit:

No. 7 of the Senate, an act entitled an act amendatory to an act entitled an act relative to practice in circuit courts;

No. 8 of the Senate, an act to provide for the support of the indigent blind of this state;

No. 11 of the Senate, an act for the relief of the heirs of Martin Berg;



No. 14 of the Senate, a joint resolution on the subject of a certain mail route therein named;

No. 27 of the Senate, an act to extend the time of payment to purchasers of school lands in Monroe county;

No. 39 of the Senate, an act to amend an act for the incorporation of county libraries, approved Feb. 17, 1838;

No. 102 of the Senate, an act for the relief of Conrad Stacer of Vanderburgh county, Indiana;

And, on motion, the Senate adjourned.

#### THURSDAY MORNING, FEB. 6.

The Senate assembled.

Mr. Cravens, from a select committee to whom that subject had been referred, made a report on the propositions contained in the bill of Mr. Calhoun "to cede the public lands within the limits of the new states, on certain conditions therein mentioned;" which report was accompanied with a joint resolution to the Congress of the United States, proposing to distribute the proceeds of the public lands among the several states.

Said report having been read, the joint resolution was read a first time.

On motion of Mr. Nave, the rules of the Senate were suspended and the joint resolution was read a second time.

Mr. Nave moved that said report and joint resolution lie upon the table, and that 1000 copies of the report, joint resolution and a copy of the bill of Mr. Calhoun, be printed for the use of the Senate.

And the Senate agreed to print said documents.

The question being on printing 1000 copies thereof,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Carr, Cathcart, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Herriott, Kennedy, Lane, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smiley, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams, and Wright—39.

*Those who voted in the negative were,*

Messrs. Berry, Brady, Chamberlain, Hargrove, Kinzer, and Lowe—6.  
So said 1000 copies were ordered to be printed.

Mr. Wright having obtained leave, introduced a bill entitled

No. 130, a bill postponing the February term of the Parke probate court of the year 1840, to the 4th Monday of March 1840; which was read a first, second, and third times and passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Finch, having obtained leave, introduced a bill entitled

No. 131, a bill relating to certain water power therein named; which was read a first and second times, and referred to a select committee.

*Ordered,* That said committee consist of Messrs. Finch, Moffatt, and Ewing of Cass.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives continue to insist on their disagreement to the 7th amendment of the Senate to bill of the House number 75, entitled,

An act for the immediate relief of contractors and others engaged on the public works.

The House of Representatives also insist on their first and second amendments to fifth amendment of Senate; and also upon their fourth amendment, being an amendment to sixth amendment of the Senate to said bill.

Messrs. Henley and Lane have been appointed a committee of free conference on the part of the House to act with a similar committee on the part of the Senate, to take into consideration the disagreement of both houses to the amendments of said bill.

Mr. Baird of St. Joseph moved that the Senate insist upon their said amendments, and that a similar committee of free conference be appointed on the part of the Senate; which motion prevailed,

And Messrs. Baird of St. Joseph, and Carnan, were appointed said committee of free conference.

*Ordered,* That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed engrossed bills thereof, as follows, to wit:

No. 258, an act for the relief of the heirs and administrators of John Tipton deceased,

No. 279, an act attaching Carroll county to the eighth judicial circuit, and for other purposes,

In which I am directed to ask the concurrence of the Senate.

Bill number 258, in said message, was read a first, second, and third times and passed.

Bill No. 279, was read a first and second times, and

On motion of Mr. Cathcart, referred to a select committee.



*Ordered*, That said select committee consist of Messrs. Cathcart, Beard of M., Ewing of Cass, and Finch:

The following message was received from the House of Representatives, by Mr. Harris their clerk:

Mr. PRESIDENT—

I am directed to inform the Senate that the House of Representatives have passed an engrossed joint resolution of the Senate.

No. 10, a joint resolution upon the subject of the harbor at Michigan City, with an amendment,

In which the concurrence of the Senate is respectfully requested.

On motion of Mr. Cathcart, the Senate concurred in said amendment.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have concurred in the amendment of the Senate to bill No. 28 of the House, entitled

An act to regulate the jurisdiction of justices of the peace in Boone county, with an amendment,

In which the concurrence of the Senate is respectfully requested.

On motion of Mr. Beard of St. Joseph, the Senate concurred in said amendment.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills of the Senate as follows, to wit:

No. 7, An act amendatory of an act relative to practice in circuit courts,

No. 8, an act to provide for the support of the indigent blind of this state,

No. 11, an act for the relief of the heirs of Martin Berg,

No. 13, an act to incorporate the Orleans Institute.

No. 27, an act to extend the time of payment to purchasers of school lands in Monroe county,

No. 39, an act to amend an act for the incorporation of county libraries, approved February 17, 1838,

No. 102, an act for the relief of Conrad Stacer, of Vanderburgh county, each without amendment.

Also the House of Representatives have passed engrossed bills of the Senate as follows, to wit:

No. 42, an act to incorporate the Orange Guards,

No. 46, an act to incorporate the Bartholomew county Silk Company, each with an amendment, in which the concurrence of the Senate is respectfully requested.

The House of Representatives have also passed engrossed bills thereof as follows, to wit:

No. 49, an act to authorize Osborn and Chamberlain to sue the state,

No. 153, an act to incorporate the White-lick commercial company,

No. 262, an act to provide for an election of a justice of the peace in Jacksonville, Fountain county,

No. 271, an act supplemental to an act for the election of three school commissioners in township No. 14, north of range 7 west, in Parke county, approved Dec. 1839,

No. 276, an act to change the name of Mary Burroughs,

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have concurred in the amendment of the Senate to bill of the House No. 51, an act authorizing the Vanderburgh Lyceum to sell or donate, transfer and convey real estate,

Also in the amendment of Senate to bill of the House,

No. 103, an act to locate a state road in Green county,

No. 14, a joint resolution in relation to a certain mail route therein named.

On motion of Mr. Bell, the Senate refused to concur in said amendment to bill No. 42.

On motion of Mr. Baird of St. Joseph, the Senate refused to concur in said amendment to bill No. 46.

*Ordered*, That the House of Representatives be informed thereof.

Bill No. 49 was read a first and second times.

Mr. Lane moved to refer the same to the committee on the judiciary;

Which motion did not prevail.

Mr. Wright moved to refer said bill to a select committee;

Which motion did not prevail.

On motion of Mr. Lowe, the Senate re-considered the vote taken on referring said bill to the judiciary committee, and said bill was referred to said judiciary committee.

Bills Nos. 262, 271 and 276 were severally read a first, second and third times and passed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills and a joint resolution of the Senate, as follows, to-wit:

No. 7, an act to amend an act entitled an act relative to practice in circuit courts;



No. 8, an act to provide for the support of the indigent blind of this state;

No. 11, an act for the relief of the heirs of Martin Berg;

No. 14, a joint resolution on the subject of a certain mail route therein named;

No. 27, an act to extend the time of payment to purchasers of school lands in Monroe county;

No. 39, an act to amend an act for the incorporation of county libraries, approved Feb. 17, 1838;

No. 102, an act for the relief Conrad Stacer of Vanderburgh county, Indiana;

Also enrolled bills and a joint resolution of the House as follows, to wit:

No. 19, an act to repeal so much of an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named, as relates to the counties of Clinton, Delaware and Hancock;

No. 51, an act authorizing the Vanderburgh Lyceum to sell or donate, transfer and convey real estate;

No. 89, an act to vacate the town of Voltairville;

No. 90, an act to change the name of the town of Wilmington in Rush county;

No. 98, an act to repeal an act entitled, an act to vacate a state road from Corydon in Harrison county to the Ohio river opposite the mouth of Salt river, Kentucky;

No. 102, an act to authorize the election of an additional justice of the peace in Wayne township in Marion county;

No. 103, an act to locate a state road in the county of Green;

No. 117, an act concerning a school section in Tippecanoe county;

No. 124, an act to provide for the election of a justice of the peace and constable in the town of Canton in Washington county;

No. 126, an act to provide for the election of a justice of the peace in the town of Macksville in Vigo county;

No. 138, an act to provide for the election of a justice of the peace in the town of Bainbridge in Putnam county;

No. 144, a joint resolution in relation to a grant of lands for an asylum for deaf mutes and blind persons;

No. 145, an act relative to the three per cent. fund in Spencer county;

I am directed to bring the same to the Senate for the signature of the President thereof.

The House of Representatives have passed engrossed bills of the Senate of the titles following, to wit:

No. 18, an act for taking the enumeration of the white male inhabitants above the age of twenty-one years in this state;

No. 41, an act for the relief of Marion county;

No. 44, an act to amend an act to incorporate the city of New Albany and to repeal all laws in force incorporating the town of New Albany, approved Feb. 14, 1839;

No. 63, an act in relation to the college funds in the counties of Gibson and Monroe;

No. 70, an act relating to the times of holding the circuit courts in the counties of Laporte and Lake in the 9th judicial circuit;

Each without amendment. Also—

No. 94, an act for the relief of Phebe Clymer, with an amendment; In which the concurrence of the Senate is respectfully requested.

The House of Representatives have also passed engrossed bills and a joint resolution thereof as follows, to wit:

No. 83, an act concerning the incorporation of the town of Brookville and for other purposes;

No. 127, an act to amend an act entitled an act incorporating the Richmond and Boston turnpike company, approved Feb. 15, 1839;

No. 133, an act to amend an act entitled an act to incorporate the town of Vevay, approved Jan. 30, 1836;

No. 149, an act to legalize the acts of the probate court of DeKalb county;

No. 159, an act to fix the times of holding probate courts in Marion county;

No. 161, an act to incorporate the Wabash Rangers;

No. 162, an act to divorce Ruth Ann Douglass;

No. 163, an act to allow further time to the Lawrenceburgh and Indianapolis rail road company to settle up and close their affairs;

No. 164, an act relative to the purchase of a fire engine in the town of Jeffersonville;

No. 165, an act to authorize the holding of an additional term of the circuit court for the county of Washington;

No. 167, an act for the benefit and concerning a state road therein named;

No. 171, an act concerning the duties of the school commissioners of Crawford county;

No. 172, an act to provide for the election of a justice of the peace in the town of Owensville in Gibson county;

No. 176, an act creating the county of Benton and for other purposes;

No. 179, an act to incorporate the Lagrange Collegiate Institute;

No. 180, an act to repeal an act entitled an act providing for the clearing out of Pride's creek in Pike county, approved January 21st, 1839;

No. 181, an act to authorize the relocation of the state road passing through the town of Rising Sun in the county of Dearborn;

No. 184, an act to revive an act to incorporate the Lagrange county manufacturing company;

No. 185, a joint resolution in relation to contractors.

No. 188, an act to declare the meaning of the 29th section of an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Feb. 17, 1838;

No. 190, an act to revive an act entitled an act to amend an act for



the benefit of persons who are likely to suffer by the destruction of the records of Dearborn county;

No. 191, an act to provide for the election of a justice of the peace and constable in the town of White Hall in Owen county;

No. 192, an act to declare Main Flat Rock and Big Blue rivers public highways in the counties of Henry and Shelby;

In which the concurrence of the Senate is respectfully requested.

Bill No. 94 being under consideration, the Senate refused to concur in said amendment;

Bills Nos. 83, 127, 149, 159, 165, 172, 180, 184, 185, 188 and 191, Were severally read a first, second, and third times and passed.

Bill No. 133 was read a first and second times, and,

On motion of Mr. Green, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Green, Arion and Watts.

And on motion, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

Bills Nos. 161 and 179, were severally read a first and second times and referred to the committee on corporations.

No. 162 was read a first and second times.

Mr. Stephenson moved that said bill be indefinitely postponed;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bowen, Carnan, Carr, Cathcart, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Herriott, Moffatt, Morgan, Nave, Nickel, Stafford, Stephenson, Thompson, Tuley, and Watt—25.

*Those who voted in the negative were,*

Messrs. Arion, Bell, Berry, Blair, Brady, Chamberlain, Hackett, Hargrove, Kinzer, Lane, Lowe, Mount, Riley, Smiley, Tannehill, Williams and Wright—17.

So said bill was indefinitely postponed.

No. 164 was read a first and second times, and,

On motion of Mr. Thompson, amended so as to give the state a claim on the engine mentioned in said bill to the amount of her stock paid in on the same; and,

On motion of Mr. Armstrong, read a third time and passed.

No. 167 was read a first and second times, and laid upon the table.

No. 171 was read a first and second times, and,

On motion of Mr. Thompson, amended so as to provide for its publication in a public newspaper in Crawford county, read a third time and passed.

No. 176, was read a first and second times, and

On motion of Mr. Blair, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Blair, Cathcart and Finch.

No. 181, was read a first and second times, and on motion of Mr. Watts, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Watts, Cravens and Brady.

No. 192, was read a first and second times, and amended on motion of Mr. Lowe, and read a third time and passed.

And the President of the Senate signed the said bills, which had been signed by the Speaker of the House of Representatives:

Mr. Cathcart, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House, No. 279, attaching Carroll county to the eighth judicial circuit and for other purposes, have had the same under consideration and have instructed me to report the same back to the Senate with the following amendments, and to ask the concurrence of the Senate therein: Strike out the 3d section and insert in lieu thereof an additional section as a substitute.

And add an additional section to the bill.

Said amendments were concurred in, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Messrs. Baird of St. Joseph and Carnan, from the committee on free conference on the part of the Senate, made the following report:

MR. PRESIDENT—

The committee of free conference appointed to act with a similar committee on the part of the House of Representatives, on the disagreement of the two houses, with respect to the bill of the House for the immediate relief of contractors and others engaged in the public works, herewith report,

1st: That they have agreed that the House recede from their objection to the fifth amendment of the Senate to the fourth section of the bill, by inserting in the 16th line of said amendment after the word "man," the following, viz: Each of whom shall take an oath or affirmation that he will hear and determine the matter referred according to the best of his knowledge and ability, and that he is not of kin to such claimant or claimants, or directly or indirectly interested in the matter at issue, and that such claimant or claimants are not indebted to such arbitrator.

2d. That the House recede from their amendment to the 6th amend-



ment of the Senate to the 5th section of the bill, by inserting in 15th line of said amendment after the word "state," the words "for cash."

3d. That the House recede from their amendment of the Senate to the 6th section of the bill.

Mr. Elliott moved that the Senate concur in said report of the committee on free conference,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Cathcart, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hargrove, Kennedy, Lane, Moffatt, Mount, Nave, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt and Williams—23.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Carr, Cravens, Green, Hackett, Kinzer, Lowe, Morgan, Nickel, Thompson, Watts and Wright—13.

So said report was concurred in.

The following message was received from the House of Representatives, by Mr. Harrs, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate;

No. 131, an act postponing the February term of the Parke probate court for 1840, until the 4th Monday of March 1840, without amendment.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled bill of the Senate,

No. 131, an act to postpone the February term of the probate court of Parke county in the year 1840;

I am directed to bring the same to the Senate for the signature of the President thereof;

And the President of the Senate signed said bill.

The following message was received from the House of Representatives by Mr. Fitch, a member:

MR. PRESIDENT—

The House of Representatives have concurred in the amendments of the Senate to bill of the House,

No. 279, an act attaching Carroll county to the eighth judicial circuit, and for other purposes.

Mr. Tuley, from the committee on enrolled bills, reported:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the enrolled with the engrossed bills which originated in the Senate as follows, to-wit:

No. 13, an act to incorporate the Orange Institute;

No. 18, an act for taking the enumeration of the white male inhabitants above the age of twenty-one years in this state.

No. 63, an act in relation to the college funds in the counties of Gibson and Monroe;

No. 70, an act relating to the times of holding the circuit courts in the counties of Laporte, Porter, and Lake, in the 9th judicial circuit;

No. 131, an act postponing the February Term of the Parke probate court 1840, until the 4th Monday of March 1840.

Mr. Tuley, from the joint committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have presented to his Excellency the Governor for his approval and signature the following bill which originated in the Senate:

No. 131, an act to postpone the February term of the probate court of Parke county in the year 1840.

And, on motion, the Senate adjourned.

FRIDAY MORNING, FEB. 7.

The Senate assembled.

On motion of Mr. Berry, the Senate suspended the previous orders of business, and took up bills upon their second reading.

The bill of the House of Representatives, entitled,

No. 7, a bill providing for an uniform mode of ascertaining by weight the quantity of grain that shall pass for a standard bushel in this state, being under consideration,

Mr. Berry moved to amend said bill by striking out so much thereof as provides that a bushel of rye shall weigh 58 lbs, and insert instead thereof that said weight shall be 56 lbs.

Mr. Morgan moved to amend said amendment so as to make said bushel weigh 50 lbs.

On motion of Mr. Tuley, said bill was committed to the committee on agriculture.



Bills of the House, entitled,  
No. 18, a bill to regulate the jurisdiction of justices of the peace in Green county;

No. 33, a bill legalizing the acts and proceedings of the trustees of school district, township No. 6, north of range No. 9 west, in Sullivan county, in relation to the town of Edwardsport;

No. 34, a bill to vacate the town of Bath;

No. 43, a bill to amend an act entitled an act organizing the supreme court and defining its powers and duties, approved February 17, 1838;

No. 46, a bill to regulate the jurisdiction and duties of justices of the peace in Grant county;

No. 47, a bill to vacate the town of Economy in Gibson county.

No. 54, a bill to repeal a part of an act entitled an act concerning Knox county;

Were severally read a second and third times and passed.

No. 62, a bill to amend an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named, approved Feb. 17, 1838,

Was read a second time and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Ewing of Allen, Chamberlain, and Wright.

No. 57, a bill supplemental to an act entitled an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges, approved Feb. 10, 1831,

Was read a second time, and,

On motion of Mr. Baird of St. Joseph, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Baird of St. J., Beard of M., Chamberlain and Clark.

No. 40, a bill for the relief of unpaid contractors on the public works,

Was read a second time and laid upon the table.

No. 9, a bill to charter the Evansville Rifle Rangers,

Was read a second time, and,

On motion of Mr. Nave, referred to the committee on corporations.

Bills of the Senate, entitled,

No. 51, a bill relating to tippling houses,

Was read a second time, and,

On motion of Mr. Kennedy, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Kennedy, Baird of St. Joseph and Williams.

No. 52, a bill defining the boundaries of Jay county,

Was read a second and third times and passed.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate a communication from Milton Stapp, Esq. one of the Fund Commissioners, on the subject of negotiations had by him in New York city, relative to the suspended debts due the state in that city;

Which was read.

Mr. Clark moved that said communication be laid upon the table, and 100 copies thereof printed.

On motion of Mr. Ewing of Allen, said motion was so amended as to print 300 copies of said communication.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed engrossed bills thereof as follows, to wit:

No. 131, an act to amend an act entitled an act to incorporate the town of Indianapolis, approved Feb. 17, 1838;

No. 150, an act relative to the probate court of Bartholomew county;

No. 287, an act to amend an act entitled an act dividing the state into judicial circuits, and fixing the times of holding courts therein named and for other purposes;

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have concurred in the amendments of the Senate to a joint resolution of the House,

No. 5, a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the repeal of the duty on salt.

Bill No. 131 in said message, entitled,

A bill to amend an act entitled an act to incorporate the town of Indianapolis, approved Feb. 17, 1838,

Was read a first and second times, and,

On motion of Mr. Chamberlain, referred to the committee on corporations.

No. 150, a bill relative to the probate court of Bartholomew county,

Was read a first, second and third times and passed.

No. 287, a bill to amend an act entitled an act dividing the state into judicial circuits, and fixing the times of holding courts therein and for other purposes,

Was read a first and second times.

Mr. Chamberlain moved to amend said bill by striking out so much thereof as provides for its publication in the Indiana Journal and Democrat.



Mr. Lowe moved that said bill be laid upon the table;  
Which motion did not prevail.

The question recurring on the proposed amendment of Mr. Chamberlain;

It was decided in the negative.

And said bill was read a third time and passed.

On motion of Mr. Moffatt, the following instructions were sent to the select committee to whom was referred the bill on the subject of tippling houses:

That said committee inquire whether public opinion, when properly directed, is not the legitimate means of preventing the evils anticipated by this bill, and whether they may not, with the same propriety, and by the same means, stop the distillation or vending of spiritous liquors in larger quantities; and also whether the enactment of this law will not have an effect directly opposite to that intended by its friends.

Mr. Kennedy, having obtained leave, introduced a bill entitled,

No. 132, a bill to authorize Campbell Dale to build a mill dam across White river;

Which was read a first, second and third times and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Thompson moved that the Senate take up the bill providing for the election of a Fund Commissioner, and that it be made the special order of the day for Monday next.

Which motion did not prevail.

The Senate took up bills on their third reading.

Bill of the Senate, entitled,

No. 113, a bill in relation to county surveyors,

Was read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

No. 97, a bill to amend an act to modify the plan of carrying on the public works,

Was taken up;

Mr. Baird of St. Joseph moved to lay said bill upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Beard of Montgomery, Berry, Bowen, Carnan, Cathcart, Chamberlain, Clark, Dobson, Ewing of Allen, Kennedy, Lane, Moffatt and Riley—14.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Bell, Blair, Brady, Carr, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts and Williams—29.

So said bill was not laid upon the table.

Mr. Dobson moved to amend said bill by striking out the words "three works" and inserting the words "two works."

Mr. Cravens moved that the bill be committed to a committee of the whole Senate, and made the order of the day for Monday next.

Mr. Lane moved that said bill be postponed until the first Monday in December next.

Mr. Cravens moved for a call of the Senate;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Chamberlain, Cravens, Dobson, Ewing of Allen, Green, Herriott, Kinzer, Lowe, Moffatt, Mount, Nave, Nickel, Riley, Smiley, Smith, Tannehill, Watt, Watts and Williams—29.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Cathcart, Clark, Hackett, Hargrove, Kennedy, Lane, Morgan, Stafford and Tuley—10.

So a call of the Senate was made.

On motion, a further call of the Senate was suspended.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills of the Senate:

No. 42, an act incorporating the Orange Guards;

No. 46, an act to incorporate the Bartholomew county Silk company;

Also enrolled bills of the House:

No. 75, an act for the immediate relief of contractors and others engaged on the public works;

No. 279, an act attaching Carroll county to the eighth judicial circuit and for other purposes;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

The following message was received from the House of Representatives by Mr. Harris, their Clerk:



MR. PRESIDENT—

The House of Representatives have concurred in the report of the committee of free conference appointed to take into consideration the disagreement of the two Houses upon the amendments to bill of the House,

No. 75, an act for the immediate relief of contractors and others engaged on the public works.

The following message was received from the Governor, by Mr. Moore, his private secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate, that he has this day approved acts of the titles following, to wit:

An act to postpone the February term of the probate court of Parke county in the year 1840;

An act for the relief of Conrad Stacer of Vanderburgh county, Indiana;

An act to amend an act for the incorporation of county libraries, approved February 17, 1838;

An act to extend the time of payment to purchasers of school lands in Monroe county;

An act for the relief of the heirs of Martin Berg;

An act to provide for the support of the indigent blind of this state;

An act entitled an act amendatory to an act entitled an act relative to practice in the circuit courts;

And also a joint resolution, entitled:

A joint resolution on the subject of a certain mail route therein named;

All of which originated in the Senate.

Mr. Elliott, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills, have compared the enrolled with the engrossed bills and joint resolutions of the Senate, entitled as follows:

No. 44, an act to amend an act entitled an act to incorporate the city of New Albany, and to repeal all laws in force incorporating the town of New Albany, approved Feb. 14, 1839;

No. 45, an act for the relief of Marion county;

No. 128, a memorial and joint resolution of the General Assembly of the State of Indiana, asking for a further appropriation for the prosecution of the public works at Michigan city;

And find the same truly enrolled.

Mr. Tuley from the committee on enrolled bills, reports;

MR. PRESIDENT—

The joint committee on enrolled bills have examined the following enrolled with the engrossed bills thereof, which originated in the House of Representatives, and find the same truly enrolled, as also bills of the Senate, to wit:

No. 279, an act for the attaching Carroll county to the eighth judicial circuit and for other purposes;

No. 75, an act for the immediate relief of contractors and others engaged on the public works;

No. 46 of the Senate, an act to incorporate the Bartholomew county Silk company;

No. 42 of the Senate, an act incorporating the Orange Guards.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have presented to his Excellency, the Governor, for his approval and signature, the following bills which originated in the Senate, to-wit:

No. 70, an act relating to the times of holding the circuit courts in the counties of Laporte, Porter and Lake, in the 9th judicial circuit;

No. 63, an act in relation to the Commissioners of the college funds in the counties of Gibson and Monroe;

No. 18, an act for taking the enumeration of the white male inhabitants above the age of twenty one years in this state;

No. 13, an act to incorporate the Orleans Institute;

No. 42, an act incorporating the Orange Guards;

No. 46, an act to incorporate the Bartholomew county Silk company.

And on motion, the Senate adjourned.

SATURDAY MORNING, FEB. 8.

The Senate assembled.

Mr. Moffatt moved that all previous orders of the Senate be suspended, and that the resolution of the House of Representatives proposing to adjourn the General Assembly on the 24th instant, be taken up.

Which motion did not prevail.

Mr. Ewing of Cass, presented the petition of John L. Patterson and others, citizens of Logansport, asking an act of incorporation of a manufacturing company in said town;



Said petition was accompanied by a bill for said purpose, and were severally referred to the committee on corporations.

Mr. Brady presented the petition of John Dougherty and others, printers of Indianapolis, praying the incorporation of a Typographical Society, in said city, which was read and referred to a select committee;

*Ordered*, That said committee consist of Messrs. Brady, Tannehill, and Nickel.

On motion of Mr. Chamberlain, the Senate took up the bill of the House of Representatives, entitled,

No. 81, a bill to repeal an act entitled an act to vacate a part of the town of Milford, in the county of Kosciusko.

Said bill was read a second time, and

On motion of Mr. Baird of St. Joseph, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Baird of St. Joseph, Chamberlain and Cathcart.

Mr. Chamberlain presented sundry documents on the subject of said bill, which were referred to the same committee.

Mr. Nave presented the petition of Eldred Huff, collector of Hendricks county, accompanied with a bill, entitled,

No. 133, a bill for the relief of Eldred Huff, collector of Hendricks county;

Which was read a first, second, and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Tuley, from the committee on ways and means, made the following report:

MR. PRESIDENT—

The committee of ways and means to whom was referred a resolution of the Senate, instructing said committee to inquire into the expediency of providing by law for a state board of equalization of taxable lands in this state, have had the same under consideration and have directed me to report the following bill in answer thereto, and respectfully recommend its passage.

Said bill, entitled,

No. 134, a bill entitled an act to establish a state board of equalization of taxable lands in the state of Indiana, for 1840,

Was read a first and second times, and ordered to a third reading.

The following report was made by Mr. Thompson, chairman of the judiciary committee:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the House of Representatives, No. 129, entitled, a bill to authorize John T. Wheeler, a minor, to sell certain real estate, have, after consulting, directed it to be reported and recommend its passage.

Said bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.  
Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the House of Representatives, No. 29, entitled, a bill to amend an act establishing probate courts and defining the duties of executors, &c. &c. have, after due examination, instructed me to report it and recommend its indefinite postponement.

Said report was concurred in.

And said bill was indefinitely postponed.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred a bill of the House of Representatives, No. 118, entitled, a bill to incorporate the Anderson river bridge company, have consented to report without amendment, and recommend its passage.

Said bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee, to whom was referred a bill of the House of Representatives, No. 121, entitled, a bill to amend an act to incorporate the Indiana Mutual Fire Insurance Company, have, after examining its provisions, instructed me to report it without amendment and recommend its indefinite postponement.

On motion of Mr. Kennedy, said report and bill were laid upon the table.

Mr. Chamberlain, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee, to whom was referred a bill to relocate the seat of justice in the county of Lagrange, have had that subject under consideration and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Said bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Thompson, chairman of the judiciary committee, made the following report:



The judiciary committee to whom was referred a bill of the House of Representatives, entitled, a bill to enlarge the powers of the probate court of Marion in a certain case therein named, have, after reading the bill, instructed me to report that it is inexpedient to extend the powers of the court as is provided in the bill, therefore recommend its indefinite postponement.

And said report was concurred in.

And said bill was indefinitely postponed.

Mr. Wright, from the judiciary committee, made the following report:

Mr. PRESIDENT:

The judiciary committee, to whom the bill of the House of Representatives was referred, entitled a bill authorizing Osborn & Chamberlain to sue the state, have had that subject under consideration, and have directed me to report the same back to the Senate with an amendment.

Which amendment was concurred in;

And the bill read a third time and passed.

Mr. Thompson, chairman of the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee, to whom was referred a bill of the House of Representatives, No. 246, entitled a bill for the relief of R. & H. Stewart, have, after examination, instructed me to report it without amendment, and recommend its indefinite postponement.

And the report was not concurred in.

On motion of Mr. Baird of St. Joseph, said bill was referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Baird of St. Joseph, Carnan, Ewing of Cass, and Tuley.

Mr. Bowen, from the committee on education, made the following report:

Mr. PRESIDENT—

The committee on education, to whom was referred resolutions for the Senate, introduced by the following gentlemen, to-wit: Mr. Hackett, Mr. Angle, and Mr. Green,—all directing an inquiry into the expediency of amending the act incorporating congressional townships and providing for public schools therein, have duly considered the same, and directed me to report the following bill, and recommend its passage.

Said bill, entitled,

No. 135, a bill amendatory to an act entitled an act incorporating congressional townships, and providing for public schools therein, ap-

proved February 17, 1838, was read a first and second times, and

On motion of Mr. Berry, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Berry, Bowen, Armstrong, Hackett, and Elliott.

Mr. Bowen, from the committee on education, made the following report:

Mr. PRESIDENT—

The committee on education to whom the bill of the Senate was referred a bill to amend an act entitled an act incorporating congressional townships and providing for common schools therein, have had the same under consideration and directed me to incorporate the provision contained in the above bill in a general bill on the same subject, which has been reported to the Senate, and ask that this bill may be laid on the table.

And said report was concurred in, and the bill laid upon the table.

Mr. Bowen, from the committee on education, made the following report:

Mr. PRESIDENT—

The committee on education, to whom was referred the following resolution, to wit:

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the law relating to common schools as to appoint one examiner of such schools in each county, whose duty it shall be to examine teachers as to their qualifications to teach, and whose duty it shall be to attend once in three months, and publicly to examine the pupils of each school and suggest a plan of instruction by which uniformity shall be attained; and at the close of the year each examiner shall report to the Secretary of State the number of schools organized in their counties respectively, and what progress has been made in reforming and organizing common schools, with leave to report by bill or otherwise, have had the same under consideration and directed me to report that it is inexpedient to legislate on the subject at this time, and ask to be discharged from the further consideration thereof.

And said report was concurred in.

Mr. Bowen, from the committee, on education, made the following report:

Mr. PRESIDENT—

The committee on education, to whom was referred a petition of J. B. Moyer and many others, citizens of the county of Orange, asking an amendment of an act entitled an act incorporating congressional townships and providing for common schools therein, so as to provide a distributive share of the school funds to unorganized school districts, &c., have had that subject under consideration, and upon examination of



said act it abundantly provides for the prayer of said petitioners in the 14th chapter, 14th and 15th sections of the aforesaid act; I am therefore instructed to report, that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

So said report was concurred in.

Mr. Bowen, from the committee on education, made the following report:

Mr. President—

The committee on education to whom was referred a communication of George Bentley of Harrison county, directing an inquiry into the expediency of so altering the law, in distributing the school funds in each county, so as to make the dividends either according to the size of the district, or to give each district the same, have had the same under consideration and have directed me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

And said report was concurred in.

Mr. Bowen, from the committee on education, made the following report:

Mr. President—

The committee on education to whom was referred the communication of Messrs. Joshua C. Howe, William Turner, Leroy Mayfield and P. C. Dunning, trustees of Indiana University, have taken into consideration that communication, and believe the suggestions therein contained in reference to an amendment of the charter creating said institution, to be such as to demand the attentive consideration of the legislature; but inasmuch as the legislature have appointed a committee to make a thorough examination into the causes of the decline of said University, it is thought proper that the amendments thus suggested should be postponed until the facts are laid before the legislature at its next session by the committee appointed for that purpose. We would therefore ask to be discharged from the further consideration thereof.

And said report was concurred in.

Mr. Ewing of Allen, from the committee on corporations, made the following report:

Mr. President—

The committee on corporations, to whom was referred a bill of the House, No. 141, to incorporate the city of Fort Wayne, have had the same under consideration and directed me to report the same back to the Senate with sundry amendments.

Said amendments were concurred in, and the bill read a third time and passed.

Mr. Ewing of Allen, from the committee on corporations, made the following report:

Mr. President—

The committee on corporations to whom was referred a petition of sundry citizens of the city of N. Albany and others, owners of lands within that city, and which are distant from any of its streets or alleys, and solely used for farming purposes or for wood land, and are not used or improved as city property, have had that subject under consideration, and have directed me to report the following bill, and respectfully recommend its passage.

Said bill entitled, No. 136, a bill in relation to lands within the chartered limits of the city of New Albany, and solely used for farming and wood land purposes, was read a first, second, and third times, and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Watts, from the committee on corporations, made the following report:

Mr. President—

The committee on corporations, to whom was referred a bill of the House, No. 82, to amend an act entitled an act to incorporate the Lawrenceburgh Bridge Company, approved January 24th, 1831, have had that subject under consideration and have made five amendments to the same, in which they ask the concurrence of the Senate.

Said amendments were concurred in;

And the bill read a third time and passed.

Mr. Dobson, from the committee on corporations, made the following report:

Mr. President—

The committee on corporations to whom was referred a bill of the House, No. 44, have had the same under consideration and have directed me to report the same back to the Senate without amendment, and recommend its passage.

And said bill was read a third time and passed.

Mr. Elliott, from the committee on corporations, made the following report:

Mr. President—

The committee on corporations to which was referred an engrossed bill of the House of Representatives, No. 97, an act to incorporate the town of Noblesville in the county



of Hamilton, Indiana, have instructed me to report the same back to the Senate with sundry amendments.

Said amendments were concurred in, and said bill was read a third time and passed.

Mr. Blair, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill to amend an act entitled an act to incorporate the Perrysville and Danville Rail Road Company, have had that subject under consideration, and a majority of said committee have directed me to report the bill to the Senate, with sundry amendments, in which they ask the concurrence of the Senate.

Mr. Chamberlain from the committee on corporations, made a counter report, signed by a minority of said committee, in relation to said bill; which report and counter report were severally read.

Mr. Chamberlain moved to amend the proposed amendment of the committee, by striking out the words "two-thirds," so as to leave said act subject to repeal by a majority of the legislature.

During the pendency of which question,

On motion, the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

The president laid before the Senate the following communication from the Governor:

EXECUTIVE DEPARTMENT,  
February 8, 1840.

HON. DAVID HILLIS,

*President of the Senate:*

Sir—I nominate, for the confirmation of the Senate, Isaac C. Ellston of Montgomery, to serve as fund commissioner in the place of L. H. Scott, Esq., resigned.

DAVID WALLACE.

Mr. Wright offered for adoption the following resolution:

*Resolved,* That the Senate do advise and consent to the nomination of Isaac C. Ellston, as fund commissioner in the place of Lucius H. Scott, Esq., resigned.

Mr. Kennedy moved that said communication and resolution, be laid upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. J., Berry, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Tuley, and Watts—23.

*Those who voted in the negative were,*

Messrs. Arion, Beard of M., Bell, Blair, Bowen, Brady, Elliott, Herriott, Moffatt, Mount, Riley, Smiley, Stephenson, Tannehill, Watt, Williams, and Wright—17.

So said communication and resolution were laid upon the table.

Mr. Cravens, having obtained leave, presented the petition of E. S. Hawley, collector of Ripley county, praying the passage of a law for his relief, relative to moneys overpaid by him to the state treasury;

Which was read and referred to the committee on claims.

Mr. Ewing of Cass, moved that the previous orders of business be suspended, and the select committees have leave to report;

Which motion did not prevail.

Mr. Cathcart moved that the Senate now take up the regular orders of the day;

Which motion did not prevail.

The Senate then resumed the consideration of the amendment proposed by the committee on corporations, which was pending at the last adjournment—

The question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Berry, Carr, Chamberlain, Dobson, Elliott, Ewing of Cass, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nave, Nickel, Smiley, Thompson, Tuley, Watts and Wright—19.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Brady, Carnan, Clark, Cravens, Ewing of Allen, Finch, Herriott, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Tannehill, Watt, and Williams—23.

So said words were not stricken out.

The question recurring on concurring in said report,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Brady, Carnan, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Herriott, Lane, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watt, and Williams—28.

*Those who voted in the negative were,*

Messrs. Berry, Carr, Chamberlain, Elliott, Green, Hackett, Hargrove, Kennedy, Lowe, Nave, Nickel, Smiley, Tuley, Watts, and Wright—15.



So said report was concurred in, and the bill read a third time, and On motion of Mr. Kennedy, the report of the minority was laid upon the table, and 200 copies thereof to be printed for the use of the Senate.

Mr. Angle, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred a bill of the House, number 155, a bill to incorporate the Walnut Bridge Cemetery, have had the same under consideration, and a majority of said committee have directed me to report it back to the Senate, with an amendment, in which the concurrence of the Senate is requested.

And said amendment was concurred in, and said bill was read a third time and passed.

Mr. Nave, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to whom was committed a bill of the Senate number 116, entitled a bill to incorporate the "Livonia Guards" have had the same under consideration, and have directed me to report the same back to the Senate, with sundry amendments, in which the concurrence of the Senate is requested.

And said amendments were concurred in, and the bill read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Nave, from the committee on corporations made the following report:

MR. PRESIDENT—

The committee on corporations, to whom was committed an engrossed bill (of the House of Representatives, No. 9,) entitled, a bill to charter the "Evansville Rifle Rangers," have had the same under consideration and have directed me to report the same back to the Senate, with one amendment, viz:

"Strike out the 9th section of said bill."

And in said amendment the committee respectfully ask the concurrence of the Senate, and recommend its passage.

Said amendment being under consideration, Mr. Lane moved to concur in said amendment, with an amendment as follows:

"All persons who shall serve in this company for the full term of ten years shall be exempted thereafter from all military duties in this state excepting when called upon in case of war, insurrection or invasion,"

And said bill was read a third time and passed.

Mr. Ewing of Cass, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the bill of the Senate number 107, entitled an act providing for selecting, rating, and selling lands yet due on the Wabash and Erie canal, east of the mouth of Tippecanoe, and for other purposes, have had the subject under consideration, and have instructed me to report it back to the Senate with the accompanying amendments and proviso, in all of which the concurrence of the Senate is respectfully requested. The committee would further add, that they recommend the passage of said bill.

The first amendment of said committee being under consideration, and the question being on concurring in said amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Berry, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Riley, Smiley, Thompson, Tuley, Watt, Watts, Williams and Wright—28.

*Those who voted in the negative were,*

Messrs. Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Brady, Morgan, Mount, Nave, Nickel, Stafford, and Stephenson—13.

So said amendment was concurred in.

The second amendment of said committee, being under consideration,

Mr. Ewing of Allen moved to concur in said amendment, with an amendment, as an additional proviso.

Mr. Lane moved to lay said amendments upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Beard of M., Bell, Berry, Blair, Carnan, Carr, Chamberlain, Cravens, Dobson, Elliott, Green, Hargrove, Herriott, Kennedy, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smiley, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, and Williams—33.

*Those who voted in the negative were,*

Messrs. Brady, Cathcart, Clark, Ewing of Cass, Ewing of Allen, Finch, Hackett, Kinzer, and Wright—9.

So said amendments were laid upon the table.

Mr. Stephenson moved to strike out the 8th section of said bill?

Which motion did not prevail.

On motion of Mr. Wright, said bill was amended by striking out so much thereof as provides for its publication in the Indiana Journal.



Mr. Morgan moved to commit said bill to a select committee, with instructions to strike out the 7th section thereof.

On motion of Mr. Elliott, said bill was laid upon the table.

The following message was received from the Governor by Mr. Moore, his private secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he did on yesterday approve and sign acts which originated in the Senate, of the titles following, to wit:

An act to incorporate the Orleans Institute,

An act in relation to the commissioner of the college funds in the counties of Gibson and Monroe,

An act for taking the enumeration of the white male inhabitants above the age of twenty-one years, in this state,

An act relating to the times of holding the circuit courts in the counties of Laporte, Porter, and Lake, in the ninth judicial circuit.

Mr. Elliott made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed acts and joint resolutions of the House, to wit:

No. 28, an act to regulate the jurisdiction of justices of the peace in Boone county,

No. 136, an act for the relief of William Kampton,

No. 107, an act to authorize Stephen Barnes to build a mill dam across White river in Owen county,

No. 196, an act for the relief of Isaac Pinnick,

No. 221, an act to amend an act regulating the mode of summoning and empanneling grand and petit jurors, approved February 19th, 1838, as far as relates to the county of Owen,

No. 132, a memorial and joint resolution of the General Assembly relative to the town of Indianapolis,

No. 5, a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the repeal of the duty on salt, And find the same truly enrolled.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have presented to his Excellency the Governor, for his approval and signature, the following bills which originated in the Senate, to wit:

No. 41, an act for the relief of Marion county,

No. 44, an act to amend an act entitled an act to incorporate the

city of New Albany, and to repeal all laws in force incorporating the town of New Albany, approved 14th February 1839,

No. 128, a memorial and joint resolution of the General Assembly of the State of Indiana, asking for a further appropriation for the prosecution of the public works at Michigan City.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed enrolled bills and joint resolutions thereof, as follows, to wit:

No. 5, a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the repeal of the duty on salt,

No. 28, an act to regulate the jurisdiction and duties of justices of the peace in Boone county,

No. 83, an act concerning the incorporation of the town of Brookville, and for other purposes,

No. 34, an act to vacate the town of Bath,

No. 107, an act to authorize Stephen Barnes to build a mill dam across White river in Owen county,

No. 132, a memorial and joint resolution of the General Assembly relative to the town of Indianapolis,

No. 136, an act for the relief of William Kampton,

No. 196, an act for the relief of Isaac Pinnock,

No. 221, an act to amend an act regulating the mode of summoning and empanneling grand and petit jurors, approved February 17, 1838, as far as relates to the county of Owen.

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

And on motion the Senate adjourned.

MONDAY MORNING, FEB. 10.

The Senate assembled.

Mr. Kennedy presented sundry documents on the subject of the removal of the county seat of Blackford county;

Which were referred to a select committee.

Ordered, That said select committee consist of Messrs. Kennedy, Chamberlain and Elliott.

On motion of Mr. Kennedy, a petition on the same subject from Jay county, was taken from the table and referred to the same committee.



Mr. Ewing of Allen gave notice that on to-morrow he would move to change the standing rules of the Senate, as follows:

That it shall be the duty of the President of the Senate to call for reports from standing committees, commencing each alternate day at the foot of the list.

Mr. Arion presented the remonstrance of E. G. Whitney and others, citizens of Jefferson county, against the passage of appraisement or valuation and stay laws;

Which was read and referred to the committee on the judiciary.

Mr. Beard of M., from the committee on ways and means, made the following report:

MR. PRESIDENT—

The committee of ways and means, to whom was referred a resolution of the Senate, instructing them to inquire if all the counties in the state have paid their full amount of taxes for the year 1839, and if not, report a bill providing for the collection of said arrearages, have according to order had that subject under their consideration, and find that Cass county paid but 15 cents on the one hundred dollars of their assessments for 1839, and the committee have directed me to report a bill requiring the collection of the remaining state revenue due from Cass county for the year 1839.

Said bill, entitled,

No. 137, a bill requiring the collection of the remaining state revenue due from Cass county for 1839,

Was read a first and second times and ordered to a third reading.

Mr. Beard of M., from the committee on ways and means, made the following report:

MR. PRESIDENT—

The committee of ways and means, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of reporting a bill authorizing the election of one assessor and collector in each township of the state by the qualified voters therein, have had that subject under consideration and directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

And said report was concurred in.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the House of Representatives, No. 45, entitled an act to amend an act subjecting real and personal estate to execution, approved February 4th,

1831; also several bills and resolutions of the Senate upon the same subject, have, after consideration, instructed me to amend the bills by striking them out and recommend the following as a substitute, to which the concurrence of the Senate is requested.

The question being on concurring in said report,

Mr. Blair called for a division of the question,

And the question being on striking out the bill of the House of Representatives, it was decided in the affirmative;

And said bill was stricken out.

The question recurring on inserting the amendment proposed by the committee on the judiciary,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Carr, Chamberlain, Cravens, Dobson, Ewing of Allen, Finch, Hackett, Hargrove, Moffatt, Mount, Nickel, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley and Watts—26.

*Those who voted in the negative were,*

Messrs. Arion, Blair, Carnan, Clark, Elliott, Green, Herriott, Kennedy, Lane, Lowe, Morgan, Nave, Riley, Watt, Williams and Wright—16.

So said amendment was inserted.

Mr. Brady moved that said bill be committed to a committee of the whole Senate, and made the special order of this day at 2 o'clock.

Mr. Hargrove called for a division of the question,

Mr. Lane moved that said bill be postponed until the 1st Monday in August next.

During the pendency of which question,

On motion, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

The following protest was presented by Mr. Cravens:

#### PROTEST

*To Bill of the House, No. 75, as passed in the Senate for the immediate relief of Contractors, and others engaged on the public works.*

This bill proposes that the auditor of public accounts procure to be engraved two neat and appropriate plates for treasury notes of state, one of the denomination of five dollars, and one of fifty dollars; that he shall cause to be struck off on good bank note paper, an amount



equal to the debt due contractors and others upon the public works, not exceeding one million five hundred thousand dollars; that if funds can be procured without the sale of additional state bonds before issuing said treasury notes by our fund commissioners then said contractors shall be paid as heretofore; that said treasury notes shall be filled up and countersigned by the auditor, and signed by the treasurer of state; that they shall be made payable to the order of him in whose favor they issue, the five dollar notes in one year from date, and the fifties in two years from date, with interest at the rate of six per centum per annum; that they shall be paid out on the lines of public works on the draft of the acting commissioner, accompanied with the certificate of the engineer, one half in notes of the denomination of five dollars, and the residue (as nearly as can be done) in notes of the denomination of fifty dollars; that the per centage of the contractor shall be retained and payment on contract withheld unless he shall agree to suspend all further operations on his contract until authorized to renew the same by the legislature or board of internal improvement; that in certain cases he shall be allowed damages; that debts due the state in the eastern cities are set apart to the redemption of the treasury notes, and they shall be receivable for taxes, the fives in 1840, and the fifties in 1841; that when returned they shall not be re-issued, but cancelled and filed away; that the auditor and fund commissioners shall give additional security; and that no person engaged in the collection or disbursement of the public revenue shall purchase them at a less sum than is expressed upon their face, under fine in any sum not less than the amount of such note.

First. We protest against the passage of this bill because we conceive it to be a direct violation of the constitution of the United States, which forbids a state "to emit bills of credit." In this opinion, the undersigned feel themselves fortified not only by reason but the highest authority, an authority no less than that great expounder of constitutional law, the supreme court of the U. S. In the case of *Craig and others vs. the state of Missouri*, 4 Peter's reports 439, the court was called upon to adjudicate upon the following instruments, issued under a legislative act of Missouri, and decide whether the same was a bill of credit within the meaning of the constitution:

"This certificate shall be receivable at the treasury, or any of the loan offices of the state of Missouri in the discharge of taxes, or debts due to the state in the sum of        dollars, with interest for the same at the rate of two per cent. per annum from date." They were signed by the auditor and treasurer of state, issued in various amounts receivable in discharge of all taxes, or debts due to the state, and in payment of salaries of state officers.

The court in this instance determined that the certificates were designed to circulate as money, and that being issued on the credit of the state, they were repugnant to the constitution.

If the instrument to which we have above referred be unconstitutional, what room is there to doubt as to the provisions of the bill we are now considering. It proposes to issue a large amount of what the

bill itself calls by the name of treasury notes, to be printed on good bank paper, made payable to the order of him in whose favor they issue, bearing an interest of six per cent. per annum, signed by the treasurer of state, and countersigned by the auditor of public accounts, and receivable for taxes.

In the case above referred to, the distinguished and much lamented chief justice Marshall defined a bill of credit to signify "*a paper medium intended to circulate between individuals, and between government, and individuals for the ordinary purposes of society.*"

Justice McLean, in the case of *Briscoe vs. the Bank of the Commonwealth of Kentucky*, 11 Peters, 257, defines a bill of credit emitted by a state to be "*a paper issued by the sovereign power, containing a pledge of its faith, and designed to circulate as money.*"

According to these definitions, what are the treasury notes by this bill authorized to be issued, but bills of credit? They are emitted by the sovereign power, and the fiscal officers of the government sign and countersign them. They are issued on the funds of the state, and the state stands pledged for their redemption. They are intended as a circulating medium, for they are to be engraved on good bank paper, and to make them current and acceptable to the people, they are to bear an interest of six per cent. per annum. If the treasury notes are to answer the purposes then of a circulating medium—if the fund belongs to the state—if the credit is that of the state—if those who issue them are the mere agents of the state, without personal interest or responsibility for their redemption, they are the money of the state. The notes are "bills of credit" emitted by the state, and fall within the constitutional denunciation.

The undersigned do not deny the right of a state to incorporate banks. Nor are they so strangely inconsistent as some who have voted for this bill, as to contend that the state cannot constitutionally borrow money, and give its acknowledgment of the debt. On the contrary, they believe that the state can execute a state bond for that purpose; issue an auditor's warrant to an officer for his salary, or a certificate for work done by a contractor on the public works. Such acts are not inhibited by the constitution, especially when it is remembered that they are not engraved on good bank paper to pass as money.

It is a rule, "that the past mischief is an essential part of the interpretation of the future remedy." A reference to the history of the times when the constitution was framed, will show what the convention intended to provide against by prohibiting the states from emitting "bills of credit." The history of the old continental currency is fresh in the recollection of all. The different states had resorted to measures to provide a currency by issuing "*paper bills of credit*," and at the commencement of the revolutionary war congress began her issues of the same description of currency, and continued the emissions until the amount exceeded four hundred and fifty millions. They ceased to circulate as money in 1781. Although they were afterwards bought on speculation at various prices, from four hundred dollars in paper, for one in specie, up to one thousand for one, until finally a hat full of the paper



would not pay for a man's dinner. It depreciated in the hands of the honest and industrious farmer and mechanic, and brought ruin and distress upon themselves and families. If we can credit the history of those times, that currency was just such as is proposed to be issued by this bill. It was to interdict the evil in the future, that the clause of the constitution forbidding the states "to emit bills of credit" was inserted.

It is truly a matter of astonishment that those who are so tenacious in their opposition to banks; who repudiate bank paper as the greatest curse upon the country; who are so loud and so clamorous in their hostility to the issue of small bills by the banks, are found supporting the emission of a paper currency as proposed in this bill, hazarding an infraction of the constitution of the country, and willing to deluge the land with an unconstitutional and *depreciated* circulating medium.

Under all circumstances, the constitution should be preserved inviolate. It cannot be made yield to suit the temper of the times, nor to rise and fall with the tide of events. Notwithstanding the competition of contending parties, and the violence of opposing interests, "it remains firm and immovable, as a mountain amidst the strife of storms, or a rock in the ocean amidst the raging of the waves." It is the commission of the legislator from the people. From it he derives his powers to act. It fixes the limits of his authority, and prescribes the orbit in which he shall move. All his acts must be conformable to it, otherwise they will be absolutely void.

JAMES H. CRAVENS,  
WM. G. ARMSTRONG,  
JAMES BLAIR,  
THOMAS D. BAIRD,  
J. ANGLE,  
J. BOWEN,  
C. C. NAVE,  
JAMES MORGAN,  
G. STAFFORD.

Mr. Baird of St. Joseph presented the following additional

#### PROTEST.

In addition to the constitutional objection urged to the passage of said bill, the undersigned protest against it on the grounds of expediency. It originated in the House of Representatives, composed as it is, of a majority of the friends of the present administration of the federal government. We are not disposed to dispute with them the honor of originating and supporting the measure, and with them must rest the responsibility. Neither are we inclined to condemn the act because of the source from whence it sprung, while we most fervently hope that it is not the result of *caucus dictation*. Of one thing however we are assured, that every other proposed relief, originating with those opposed to the powers that be, met with no favor.

In 1836 the state engaged in a general system of internal improvements. A variety of opinions existed at the time as to the policy of embarking in so extensive a system. All now agree that the public works have been injudiciously prosecuted, and all admit the necessity of a modification. With a view to such modification, the last legislature passed an act reducing the board of internal improvement from nine to three, limiting their expenditures to a million and a half per annum, and restricting their operation to a few works, which might be deemed most important, and would soonest yield a revenue to the state. In the prosecution of our public works, a debt has been contracted by the sale of state bonds of more than six millions of dollars; of this amount there is a suspended debt due to the state from eastern banks and others, (including unavailable property) \$1,557,000. The change of times which has fallen not more severely upon ourselves than upon our common country; the diranged state of the money market, and the impossibility of selling American stocks in Europe, the past season, originating from causes not now necessary to be inquired into, has produced a failure on the part of the purchasers of our bonds to promptly comply with their engagements; and although our Fund Commissioners deem the state amply secured by transfers and mortgages of various kinds in this debt; yet such failure has left us without the means to pay the contractors on our public works. We suddenly found ourselves brought to a halt, with a debt due to the State Bank and the laborers upon the lines of improvement of about \$1,400,000. To remedy this state of affairs, and to relieve our contractors has given *prelence* to the act now under consideration. What, we ask, will be the consequences of such a measure? We confess we see in it nothing less than prostration of the credit of the state, ruin of the honest and suffering contractor, and still more to the laborer and farmer.

The annual interest on our debt for internal improvement purposes amounts to \$388,980 to be paid semi-annually. What then are the resources to which we can apply for the payment of this interest? We can resort:

|   |             |
|---|-------------|
| First, To the interest on the third instalment of the surplus revenue, amounting to | \$34,000 00 |
| Second, To the interest on debts for canal lands sold,                              | 22,000 00   |
|   | <hr/>       |
|   | 56,000 00   |

The aggregate amount of which pays but fifty-six thousand dollars, only a small part of the interest falling due annually. What means have we to pay the residue? None but to apply the state revenue collected by directly taxing the people. The last year the whole amount of state revenue, after deducting the expenses of collection, did not much exceed three hundred thousand dollars, a sum still short of liquidating the interest on our internal improvement debt. The act however under consideration proposes to divest the state revenue



from the purposes for which it was levied, and to apply it to the redemption of the treasury notes issued to the contractors. Where now is the plighted faith of the state? Where is her honor, and credit, "which is above all price?" The very means which we had to shield her from deep condemnation and disgrace is, by this act, placed out of our power. Her creditors who have advanced their millions to her, so far from having a hope of realizing the principal, now even lose the prospect of recovering from her the bare interest of the debt. It seems to the undersigned that no true patriot, no high minded Indianian whatever may be his notions of the system of internal improvement, can feel otherwise than himself debased by such a prostitution of the character of his state.

What is money compared with the loss of honor? We have seen countries drenched in blood rather than permit their national flag to be insulted with impunity. Our own beloved republic has taught the nations of Europe that she would not patiently bear dishonor, and that she regarded dollars and cents, nay human life itself as nothing when indignations were offered. Even lately we have had a case in point. France in 1831, agreed by treaty to pay to the United States five millions of dollars by way of indemnifications to our injured commerce. The late administration demanded in pretty strong terms a fulfilment of the treaty. France took offence at the message of the President to Congress on the subject of her tardiness in complying with her agreements, and as a condition to the payment of our just demands required the government of the United States to declare in writing, that it never entered into its intention to call in question the *good faith* of the French government. Here then was a question of etiquette between the two governments, which had well nigh involved them perhaps in a protracted war. When President Jackson declared, "that it was unnecessary for him to say that the honor of his country should never be stained by an apology from him," was he not sustained by his countrymen without distinction of party. When he asked subsequently, "does France want a degrading, servile repetition of this act in terms which she shall dictate, and which will involve an acknowledgment of her assumed right to interfere in our domestic councils? She will never obtain it. The spirit of the American people, the dignity of the Legislature, and the firm resolve of their executive government forbid it," did not every American bosom respond amen, to the determination of the old hero? Why was it so? The answer is at hand. The *honor* of our country was involved, and could not be yielded as the equivalent of a mere pecuniary consideration. No. We were ready to hazard millions of public treasure; we were ready to sacrifice our blood and lives to save the honor of our country. How then can we view a failure to pay the interest on our internal improvement debt according to our solemn contract in any other light than a palpable breach of public faith, and utter prostration of the character and credit of the state.

It may be said that we should be just to our *domestic creditors*. So we think. "The laborer is worthy of his hire," and the state should do

all in her power to relieve the deserving contractor from his embarrassments. While however we sympathise with him on account of his pecuniary sufferings, and deeply regret his misfortunes, we should remember that the distress is general among our fellow citizens. The alarming diminution of the circulating medium, the diminished price of produce, the reduced wages of the honest laborer, the depreciated value of every description of property, the numerous petitions for stay and property laws lying upon our legislative tables, all give evidence of a sad reverse of times. It is not however confined to our own state. A general gloom pervades the whole country. Bankruptcy and ruin threaten every class of society. It is true we have not suffered for the want of food. We cannot arraign the bounty of Providence; the showers have fallen during the past season in the same grateful abundance; the sun has cast his vivifying influence upon the land, and the industrious farmer has reaped his usual abundance from the soil; but there is a pecuniary suffering quite as painful as that of a physical nature; a distress that plunges its victim into hopeless despair; paralyzes all useful exertion and falls with inexorable force upon the wretched family of embarrassment. Such are the difficulties which we are at present called upon to encounter; not the contractors upon our public works alone, but our fellow citizens generally. We should gladly adopt any measure that would give them relief generally. But should not attempt to accomplish even so laudable an object by a course of policy calculated to dishonor ourselves abroad. It is enough that we have these troubles to combat. It is sufficient that we have our internal disputes and political divisions to deplore. But they should not render us insensible to that cherished pride of nice and delicate honor which would forbid us to stain the reputation of our young and rising state. Other means we humbly conceive, have been proposed which would have given effectual relief, not only to our contractors, but the community at large. Dictation however, from headquarters made them obnoxious to the majority, and they were rejected.

But it may be contended that a fund will be raised out of the property and unavailable debts east, for the redemption of the treasury notes. If so, why not at once have founded them upon those funds? Why made them redeemable in *taxes* at all? Would it not be better to suffer a small pecuniary loss, by an immediate sale of the Cohen property, than sacrifice our credit abroad? Have we any assurances that this property or our eastern bank stocks will sell for more five years hence than at present? In fact with the opposition manifested by the administration of the Government to all the banking institutions of the country, it is not difficult to foresee the total prostration of them all. If this opposition continue it is certain they cannot survive, and with their fall, every species of property must depreciate even to a greater extent than at present.

We are involved already in a heavy debt for internal improvement purposes as before shewn, for which we are liable to an annual interest. A portion of our public works are in a state that comparatively small additional appropriations would place them in such a condition



as they would yield a revenue to the State. Would it be prudent then to stop here? While some of us prefer to cease operations rather than to progress with the system as originally contemplated, yet we hope not to be driven to either extreme, for although opposed to carrying out the system, it will be necessary to renew operations on a prudent scale so as to finish such portions of the works as are most important, and nearest completion. If an individual has commenced to erect him a house to cost ten thousand dollars, and had already expended nine thousand, would it be wise to let his superstructure go into dilapidation and ruin, when by even straining his resources a little, to procure the additional thousand, he might finish his building and thus enjoy the rents and profits of the money heretofore expended? If the people of Indiana shall so far forget what is due to their reputation, as to refuse the payment of the interest on the debt they have contracted, then it is matter of indifference what becomes of their public works, or the money heretofore lavished upon them. But if they intend honorably to meet the just demands against them, surely in such case it is of vast importance that they should do nothing to weaken their standing abroad. To leave the public works just as they are, and yet promptly meet their payments of interest is to burthen the people with heavy taxes, without any hope of relief in all time to come. This at once proves how indispensable it is that we should be jealous of our credit. A failure to meet the interest on our bonds which this bill must inevitably occasion, at least for the next season, prevents the state from making further loans, and thus she is rendered unable to renew operations. Her plighted faith once violated, no one will trust her longer. Her agents stand begging at the door of the capitalist and is only met with scorn and contempt. And although American stocks generally, cannot be sold at this time on fair terms, yet it is anticipated that the present state of affairs will not long continue. Europe has for an unusual period reposed in profound peace, and soon there will be a surplus of capital to be again invested in American bonds. If Indiana had remained true to her own interests; with her resources present and prospective, with her public spirit, with the energy and enterprise of her people, her bonds would soon be in demand.

We are already weary of pointing out the dangers with which this measure is fraught. The evils heretofore specified are sufficient to rend the heart of a true lover of his State. But the wretched consequences are not to stop here. They are to seize upon every department of Government. What have we now left with which to pay our executive and judicial officers, whose whole time must be necessarily devoted to the discharge of their official functions, and whose salary when promptly paid is scarcely sufficient to sustain themselves and families? The revenues by this bill are absorbed in treasury notes, and thus applied directly to internal improvement purposes. The faithful judicial officer on whose decisions depend in numerous instances the lives, the liberty, and the fortunes of our fellow-citizens is driven from his post for the want of support, and incompetent men (for others will

not under such circumstances take office,) will be elected to supply their places.

In conclusion, we have only to remark, that the relief proposed in this bill is deceptive, and must prove ruinous to the contractor himself. The revenues of the state it is true, are pledged for the redemption of the treasury notes. Is the contractor aware, however, that there is no law at this time to authorize the collection of a revenue? That the act fixing the rate of taxation for last season has expired by its own operation? And what assurances has he that the present legislature will pass one? Does he not know that a breach of *good faith* in one instance opens the door for another? But suppose the Legislature should fix the rates of taxation even as high as last year? When we consider the amount to be paid contractors for work and damages, and appropriations to prevent the dilapidation of the works, it must be years before his paper can be taken up. Thus he is made the dupe to his own credulity, and the victim of the speculator.

THO. D. BAIRD,  
J. ANGLE,  
C. C. NAVE,  
J. BOWEN,  
G. STAFFORD.

Mr. Cravens moved that the previous orders of the Senate be suspended, and that the message from the House of Representatives containing their resolution on the subject of adjournment, be taken up; The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Cathcart, Cravens, Dobson, Elliott, Ewing of Cass, Herriott, Kennedy, Lowe, Moffatt, Nave, Riley, Smiley, Smith, Stafford, Watt, Watts, Williams and Wright—27.

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carr, Chamberlain, Clark, Ewing of Allen, Green, Hackett, Hargrove, Kinzer, Lane, Morgan, Mount, Nickel, Tannehill, Thompson, and Tuley—17.

So said message was taken up.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have adopted the following resolution:

*Resolved*, That the House of Representatives will, the Senate concurring therein, adjourn *sine die* on the 24th of February 1840.



Mr. Kennedy moved that the Senate concur in said resolution, with an amendment, as follows:

Strike out the 24th and insert the 17th of February.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Cathcart, Clark, Cravens, Dobson, Herriott, Kennedy, Kinzer, Moffatt, Nave, Riley, Smiley, Stafford, Stephenson, Tuley, and Wright—23.

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carnan, Carr, Chamberlain, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Lane, Lowe, Morgan, Mount, Nickel, Smith, Tannehill, Thompson, Watt, Watts and Williams—23.

And the President of the Senate voted in the affirmative.

So said amendment was adopted.

Ordered, That the House of Representatives be informed thereof.

Mr. Mount moved that the rules of the Senate be suspended, and that select committees have leave to report;

Which motion did not prevail.

The following message was received from the House of Representatives, by Mr. Harris their clerk:

Mr. President—

The House of Representatives have passed engrossed bills of the following titles, to wit:

No. 193, an act to authorize the qualified voters of this state to vote for or against a convention for a revision of the constitution of this state;

No. 195, an act to incorporate the Wabash Fire company;

No., 197, an act to amend an act to incorporate the town of Jeffersonville;

No. 198, an act concerning the estate of Benjamin F. Butts;

No. 199, an act to provide for the re-appraisal of school sections in Lake and Owen counties;

No. 200, an act to provide for the erection of two bridges in the county of Orange and for other purposes;

No. 201, an act to re-locate the seat of justice of Lake county;

No. 202, an act to incorporate the Washington Band of Musicians;

No. 207, an act to incorporate the Deerfield, Albany and Marion Turnpike company;

No. 210, an act changing the times of holding commissioners' courts in the county of Floyd;

No. 211, an act to provide for the election of an additional justice of the peace and constable in Morgan township, Harrison county;

No. 212, an act for the relief of John D. Morrison;

No. 213, an act to provide for the re-location of the county seat of Scott county;

No. 214, an act to legalize the proceedings of certain justices of the peace in Clay county and for other purposes;

No. 216, an act to provide for the re-location of the seat of justice of Huntington county;

No. 218, an act to authorize the election of an additional justice of the peace in the township of Orange, Noble county;

No. 220, an act to make allowances to supervisors for extra services in the county of Boon;

No. 223, an act to authorize the circuit court of Spencer county to hold an additional term;

No. 225, an act to incorporate the Kankakee bridge company and for other purposes;

No. 227, an act to provide for a more uniform mode of doing township business in the county of Cass;

No. 229, an act to provide for the election of a justice of the peace in Alquina, Fayette county;

No. 235, an act to locate the seat of justice of Sullivan county;

No. 250, an act to repeal an act entitled an act to locate a state road from New Albany in Floyd county to Charlestown in Clark county, approved Dec. 20, 1838;

No. 256, an act to declare a misprint and for other purposes;

No. 257, an act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Feb. 17, 1838;

No. 264, an act to authorize the removal of the obstructions to the free passage of the water down Little Blue river, in the counties of Rush and Shelby;

No. 266, an act for the relief of the collector of Lake county;

No. 268, an act to authorize Absalom Frazier to sell and convey a part of the public square in the town of New Washington;

No. 273, an act to amend an act entitled an act concerning enclosures and trespassing animals, approved Feb. 17, 1838;

In which the concurrence of the Senate is respectfully requested.

Bill No. 273 in said message, was read a first and second times, and On motion of Mr. Clark, laid upon the table.

Nos. 268, 266, 264, 256, 257, 250, 229, 227, 199, 200, 201, 202, 210, 211, 213, 218 and 220,

Were severally read a first, second and third times and passed.

No. 235 was read a first and second times, and,

On motion of Mr. Moffatt, referred to a select committee.

Ordered, That said select committee consist of Messrs. Moffatt, Carnan, Dobson, Hargrove and Stephenson.

No. 225 was read a first and second times.



Mr. Chamberlain moved to amend said bill by striking out 21 years and inserting ten years as the limitation of said charter;

Which motion did not prevail.

And the bill was read a third time and passed.

No. 193 was read a first and second times, and,

On motion of Mr. Wright, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Wright, Thompson, Carnan and Brady.

Nos. 195 and 197, were severally read a first and second times, and,

On motion of Mr. Chamberlain, referred to the committee on corporations.

No. 199, was read a first and second times, and,

On motion of Mr. Armstrong, referred to a select committee.

*Ordered*, That said committee consist of Messrs. Armstrong, Carnan and Moffatt.

No. 216 was read a first and second times, and,

On motion of Mr. Chamberlain, laid upon the table.

No. 212 was read a first and second times and referred to the committee on claims.

No. 214 was read a first and second times.

Mr. Chamberlain moved to refer said bill to the committee on the judiciary;

Which motion did not prevail.

And said bill was read a third time and passed.

No. 223 was read a first and second times and referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed engrossed bills of the Senate as follows, to wit:

No. 12, an act amendatory to an act regulating the duties of justices of the peace, approved Feb. 17, 1838, and for other purposes;

No. 24, an act to amend the several acts regulating the practice at law;

No. 113, an act in relation to county surveyors;

No. 132, an act to authorize Campbell Dale to build a mill dam across White river;

Each without amendment.

The House of Representatives have also passed engrossed bills thereof as follows, to wit:

No. 238, an act to dissolve the bans of matrimony between Peter Makowsky and Ann Makowsky;

No. 261, an act to change the name of the town of Paris in Lawrence county to that of Bryantsville;

No. 267, an act for the relief of John Longacre;

No. 294, an act to provide for the summoning and empanneling jurors in the county of Delaware;

No. 297, an act to incorporate the Hamilton Guards;

No. 298, an act to amend an act entitled an act attaching certain territory to the counties therein named, approved Feb. 16, 1839;

No. 304, an act declaring a part of Salt creek a public highway;

No. 305, an act to regulate the jurisdiction of justices of the peace in Hamilton county;

No. 306, an act to change the time of holding courts in the 11th judicial circuit;

No. 308, an act for the relief of Peter Hussey;

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have concurred in the amendments of the Senate to bills of the House, as follows, to-wit:

No. 9, an act to charter the Evansville Rifle Rangers;

No. 49, an act to authorise Osborn & Chamberlain to sue the state;

No. 82, an act to amend an act to incorporate the Lawrenceburgh bridge company, approved January 24, 1831;

No. 97, an act to incorporate the town of Noblesville in the county of Hamilton, Indiana;

No. 141, an act to incorporate the city of Fort Wayne;

No. 155, an act to incorporate the Walnut Ridge Cemetery;

No. 461, an act relative to the purchase of a fire engine in the town of Jeffersonville;

No. 171, an act concerning the duties of the school commissioner of Crawford county; and

No. 192, an act to declare main Flat Rock and Big Blue rivers public highways in the counties of Henry and Shelby;

The House of Representatives insist on their amendment to bill of the Senate,

No. 94, an act for the relief Phebe Clymer;

Bill No. 238 in said message was read a first and second times, and on motion of Mr. Thompson, laid upon the table;

No. 261 was read a first and second times, and on motion of Mr. Clark, referred to a select committee;

*Ordered*, That said committee consist of Messrs. Clark, Angle, and Carr.

No. 267 was read a first and second times, and on motion of Mr. Bowen, laid upon the table;

No. 294 was read a first, second and third times and passed.

No. 297 was read a first and second times;

Mr. Chamberlain moved to indefinitely postpone the bill;

Which motion did not prevail.

On motion of Mr. Chamberlain, said bill was referred to the committee on corporations;

No. 298 was read a first and second times, and on motion of Mr. Ewing of Cass, referred to a select committee.



Ordered, That said committee consist of Messrs. Ewing of Cass, Ewing of Allen, Wright and Chamberlain.

Nos. 304, 305, 306 and 308 were severally read a first, second and third times and passed.

On motion of Mr. Tuley, the vote on the passage of the bill No. 250, was reconsidered, and said bill referred to a select committee.

Ordered, That said committee consist of Messrs. Tuley, Armstrong, and Cravens.

Bill of the Senate, No. 94, being under consideration,

Mr. Ewing of Cass moved that the Senate insist upon their amendment, and that a committee of free conference be appointed on the part of the Senate;

Which motion prevailed.

Ordered, That said committee consist of Messrs. Ewing of Cass and Blair.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have receded from their amendments to bills of the Senate,

No. 42, an act to incorporate the Orange Guards,

No. 46, an act to incorporate the Bartholomew County Silk Company;

The House of Representatives have concurred in the amendments of the Senate to bills of the House,

No. 136, an act for the relief of William Kampton;

No. 107, an act to authorize Stephen Barns to build a mill dam across White River;

The House of Representatives have also passed engrossed bills thereof, as follows, to-wit:

No. 169, an act to confirm the title made by Harriet M. Williams and Tho. C. Williams, minors, to certain real estate therein designated;

No. 251, an act for the relief of the widow, heirs, and administrators of William Watt, deceased;

No. 282, an act for the relief of William B. Campbell;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the Senate,

No. 13, an act to incorporate the Orleans Institute;

No. 18, an act for taking the enumeration of the white male inhabitants above the age of twenty-one years in this state;

No. 63, an act in relation to the commissioners of the college funds in the counties of Gibson and Monroe;

No. 70, an act relating to the times of holding circuit courts in the counties of Laporte, Porter and Lake, in the ninth judicial circuit;

Also, an enrolled bill of the House,

No. 156, an act to incorporate the Fort Harrison Guards;

I am directed to bring the same to the Senate for the signature of the President thereof;

Bills Nos. 169 and 251 in said message were severally read a first, second and third times and passed.

No. 282, was read a first and second times, and on motion of Mr. Angle, referred to the committee on claims.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof as follows, to wit:

No. 284, an act for the relief of Julia A. Wernwag,

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first, second, and third times and passed.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills thereof, as follows, to wit:

No. 158, an act to amend an act entitled an act to regulate the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838,

No. 248, an act to appropriate a part of the three per cent. fund of Ripley county, and for other purposes,

In which the concurrence of the Senate is respectfully requested.

Bill No. 158, was read a first and second times.

On motion of Mr. Kennedy, said bill was amended by striking out Delaware county.

On motion of Mr. Watt, said bill was further amended by striking out Fayette county.

Said bill was then read a third time and passed.

No. 248, was read a first, second, and third times and passed.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the Senate,

No. 41, an act for the relief of Marion county,

No. 44, an act to amend an act to incorporate the city of New Albany, and to repeal all laws in force incorporating the town of New Albany, approved 14th February 1839;

Also a memorial and joint resolution of the Senate,

No. 128, a memorial and joint resolution of the General Assembly



of the State of Indiana, for a further appropriation for the prosecution of the public works at Michigan city,

I am directed to bring the same to the Senate for the signature of the President thereof.

The House of Representatives have passed engrossed bills thereof, as follows, to wit:

No. 292, an act to amend an act entitled an act to incorporate the mayor and common council of the town of Delphi,

No. 300, an act to repeal an act entitled an act to incorporate the mayor and common council of the town of Lafayette, approved February 6, 1837,

In which the concurrence of the Senate is respectfully requested.

Bill No. 292, in said message, was read a first, second, and third times and passed.

No. 300, was read a first, second, and third times, and

On motion of Mr. Smiley, referred to a select committee.

Ordered, That said committee consist of Messrs. Smiley, Ewing of Cass, Finch, and Beard of M.

The following message was received from the House of Representatives, by Mr. Harris their clerk:

Mr. President—

The House of Representatives have passed engrossed bills of the Senate as follows, to wit:

No. 23, An act to amend an act concerning insane persons, approved 22d January, 1818,

No. 69, an act to authorize the sale of certain public ground in the town of St. Omar in Decatur county, and for other purposes,

No. 98, an act to legalize and confirm the official acts of the several boards of trustees of the village of Mishawaka,

No. 99, an act to legalize certain acts of the county commissioners of Cass county,

No. 100, an act to authorize James T. Miller to keep a public ferry across the Wabash river in Miami county, and for other purposes,

No. 108, an act for the relief of George Crawford and James R. McCord, each without amendment; also

No. 118, an act relative to the jurisdiction of justices of the peace in Allen county, with an amendment,

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have also passed engrossed bills thereof as follows, to wit:

No. 96, an act to incorporate the Greensburgh and Vernon Turnpike Company,

No. 182, an act to legalize certain proceedings of the county board of Washington county,

No. 194, an act for the relief of the collector of the revenue of Orange county,

No. 204, an act to incorporate the Lawrenceburgh and Napoleon Turnpike Company,

No. 231, an act to amend an act entitled, an act to provide for a general system of internal improvement, approved January 27, 1836,

In which the concurrence of the Senate is requested.

Bills Nos. 182 and 184 in said message, was read a first, second, and third times and passed.

No. 96, was read a first and second times, and

On motion of Mr. Morgan, referred to a select committee.

Ordered, That said committee consist of Messrs. Morgan, Watts, Tannehill, and Baird of St. Joseph.

No. 118 being under consideration, said amendment was concurred in, and the bill read a third time and passed.

No. 204, was read a first and second times, and

On motion of Mr. Watts, referred to a select committee.

Ordered, That said committee consist of Messrs. Watts, Ewing of Cass, and Cravens.

No. 231, was read a first and second times, and on motion, referred to the committee on claims.

And on motion, the Senate adjourned.

TUESDAY MORNING, FEB. 11.

The Senate assembled.

Mr. Nickel presented the petition of J. H. Thornbury of Shelby county, asking the passage of an act to change his christian name,

Which was read and referred to a select committee.

Ordered, That said committee consist of Messrs. Nickel, Brady, and Bowen.

Mr. Thompson, chairman of the judiciary committee, made the following report:

The judiciary committee to whom was referred two bills, Nos. 4 and 106, to amend the several acts of this state regulating the taking up of animals going astray and watercrafts and other articles of value adrift, have, after consideration, concluded to strike out the two bills referred, and report the following as a substitute, entitled "a bill to amend the several acts of this state relative to the taking up of animals going astray and water crafts, and other articles of value adrift," to which amendments the concurrence of the Senate is respectfully requested.

The amendment being under consideration, Mr. Kennedy moved to lay said bill and amendment upon the table;

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Bell, Bowen, Brady, Dobson, Elliott, Kennedy, Mount, Nave, Nickel, Smiley, Watts, and Williams—12.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Ewing of Cass, Green, Herriot, Hackett, Hargrove, Kinzer, Lane, Lowe, Moffatt, Morgan, Riley, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, and Wright—29.

So said bills and amendment were not laid upon the table.

Mr. Lowe moved to concur in said report with an amendment as follows:

Except the act of Feb. 18th, 1839.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Green, Herriott, Kennedy, Lowe, Mount, Nave, Nickel, Riley, Smiley, Stafford, Tannehill, Tuley, Watt, and Williams—27.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Carr, Hackett, Hargrove, Lane, Moffatt, Morgan, Thompson, Watts and Wright—14.

So said motion prevailed, and said report and amendment were concurred in.

Mr. Elliott moved to amend as follows:

*Provided,* That no estray shall be advertised in a newspaper unless the same is appraised to twenty dollars, and the taker up shall only be required to pay for expenses of printing of each estray taken up, fifty cents, which shall be received as a full compensation by the printer.

On motion of Mr. Beard of M. said bill was recommitted to the judiciary committee.

Mr. Cathcart, from the committee on roads, made the following report:

Mr. PRESIDENT—

The committee on roads to whom were referred divers petitions, bills, &c. have had the same under consideration and have directed me to report the accompanying bill.

The number remonstrating against the passage of the bill of the Se-

nate, No. 40, entitled a bill declaring a certain county road in Jasper county a state road, being found to be greater than that of the petitioners, your committee report the bill back to the Senate with a recommendation, that its further consideration be postponed until the first Monday of December next.

The 18th section of the bill was informally presented by the Senator from St. Joseph, and inserted at his request by the committee.

Said bill, entitled 139, was read a first and second times, and on motion of Mr. Chamberlain, laid upon the table.

Bill No. 40 was postponed in accordance with said report.

Mr. Arion, from the committee on the State Bank, made the following report:

A majority of the committee on the state bank, to whom was referred the very respectful petition from a large number of the citizens of Putnam county, Indiana, praying the general assembly to authorize the banks of this state to issue small bills to the amount of one million of dollars, more or less, as might be deemed most advisable by the Legislature, for the relief of contractors on the public works, have had that subject under consideration, and directed me to report, that the mode pointed out by the prayer of the petitioners, is in the opinion of the committee, the best course to obtain the relief prayed for, as it would furnish the contractors with par money to discharge their debts, while it would also give to the community at large much relief by affording them a sound currency, which would readily be received by all classes of the people in the payment of their liabilities. But in consequence of the action already had in both Houses of this General Assembly on this subject, I am directed to state that it is deemed inexpedient further legislate on said subject, and ask to be discharged from the further consideration thereof.

And said committee were discharged from the further consideration of the subject.

Mr. Watts, from the committee on agriculture, made the following report:

Mr. PRESIDENT—

The committee on agriculture, to which was referred a bill of the House, No. 7, to provide for a uniform mode of ascertaining by weight the quantity of grain that shall pass for a standard bushel in this state, have had the same under consideration, made four amendments, and have directed me to report the same to the Senate and ask their concurrence.

And said amendments were concurred in.

Mr. Elliott moved that said bill be indefinitely postponed.

Which motion did not prevail.

The question then being on the passage of the bill,

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Blair, Bowen, Carnan, Carr, Cathcart, Dobson, Ewing of Cass, Ewing of Allen, Finch, Kinzer, Lane, Lowe, Moffatt, Mount, Nickel, Riley, Smiley, Stephenson, Tuley, and Watts,—22.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Beard of M., Bell, Berry, Brady, Chamberlain, Clark, Cravens, Elliott, Green, Hackett, Hargrove, Herriott, Kennedy, Morgan, Nave, Stafford, Tannehill, Thompson, Watt, Williams and Wright—23.

So said bill did not pass.

Mr. Ewing of Allen, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations, to whom was referred a bill of the House No. 195, to incorporate the Wabash Fire company, have had the same under consideration and directed me to report the same back to the Senate without amendment, and recommend its passage.

Said bill was read a third time and passed.

Mr. Chamberlain, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations, to whom was referred a bill to establish the College of Physicians and Surgeons in the city of Madison, have had that subject under consideration and directed me to report the same back to the Senate without amendment and recommend its indefinite postponement.

Mr. Arion moved to recommit said bill to a select committee;

Which motion prevailed.

Ordered, That said committee consist of Messrs. Arion, Elliott, Stephenson and Finch.

On motion of Mr. Green, the Senate re-considered the vote on the bill regulating the weight of grain.

Mr. Tannehill moved to re-commit said bill to a select committee;

Which motion did not prevail.

The question being on the passage of said bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Blair, Bowen, Carnan, Carr, Cathcart, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Kinzer, Lane, Lowe, Mount, Riley, Smiley, Smith, Stephenson, Tuley, Watts and Williams—23.

*Those who voted in the negative were,*

Messrs. Angle, Beard of Montgomery, Bell, Berry, Brady, Chamberlain, Cravens, Elliott, Green, Hackett, Hargrove, Herriott, Kennedy, Morgan, Nave, Nickel, Stafford, Tannehill, Thompson, Watt, and Wright—21.

So said bill passed.

Mr. Thompson, from a select committee, made the following report:

MR. PRESIDENT—

The select committee, to whom was referred a bill of the House of Representatives No. 94, entitled a bill declaring certain names therein misprints, have made sundry amendments; to which the concurrence of the Senate is requested.

Said amendments were concurred in.

Said bill was read a third time and passed.

Mr. Mount, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a petition of many citizens of White water township, Franklin county, praying for a law authorizing the election of a justice of the peace and constable in the town of New Trenton in said county, have had the subject under their consideration and have directed me to report the following bill:

No. 140, a bill to authorize the election of a justice of the peace and constable in the town of New Trenton in the county of Franklin;

Said bill was read a first, second and third times and passed.

Mr. Kennedy, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate entitled a bill relating to tippling houses, have had the same under consideration, and have directed me to report the bill back with an amendment.

Mr. Lane moved to concur in said amendment with an amendment as follows:



Strike out so much as relates to the consent of a majority to obtain license, and insert that on the payment of the regular cost of license,

Mr. Angle moved to lay said bill and the pending amendments on the table; any person may be licensed to retail spiritous liquors.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Beard of M., Brady, Carnan, Carr, Chamberlain, Dobson, Hackett, Kinzer, Lane, Lowe, Moffatt, Morgan, Nickel, Tannehill, and Tuley—17.

*Those who voted in the negative were,*

Messrs. Arion, Bell, Berry, Blair, Bowen, Clark, Cravens, Finch, Hargrove, Kennedy, Mount, Nave, Riley Smiley, Smith, Stafford, Thompson, Watt, Watts, Williams and Wright—21.

So said bill and amendments were not laid upon the table.

Mr. Lowe moved to indefinitely postpone said bill and amendments; The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Brady, Chamberlain, Clark, Ewing of Cass, Ewing of Allen, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Moffatt, Morgan, Nickel, Stephenson, Tannehill and Tuley—18.

*Those who voted in the negative were,*

Messrs. Beard of M., Bell, Blair, Bowen, Carnan, Carr, Cravens, Dobson, Elliott, Finch, Kennedy, Mount, Nave, Riley, Smiley, Smith, Stafford, Thompson, Watt, Watts, Williams and Wright—22.

So said bill and amendments were not indefinitely postponed.

The question being on concurring with Mr. Lane's amendment; Said amendment was not concurred in.

Mr. Nave moved to concur with the following amendment:

Or a majority of said legal voters in any town or township may, by obtaining and filing a remonstrance in the clerk's office in any county in this state, prohibit the granting of any license to any person or persons making application therefor, until he or they shall produce a petition signed by a majority of said legal voters, as is required by this act;

Which motion did not prevail.

The question being on concurring in the report of the select committee;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Beard of M., Bell, Blair, Bowen, Brady, Carnan, Carr, Cravens, Elliott, Finch, Kennedy, Mount, Nave, Riley, Smiley, Smith, Stafford, Thompson, Watt, Watts, Williams and Wright—22.

*Those who voted in the negative were,*

Messrs. Angle, Berry, Chamberlain, Clark, Dobson, Ewing of Cass, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Moffatt, Morgan, Nickel, Stephenson, Tannehill and Tuley—19.

So said report and amendment were concurred in.

Said bill was read a third time.

The question being on its passage,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Beard of M., Bell, Blair, Bowen, Carnan, Carr, Cravens, Dobson, Elliott, Ewing of Cass, Finch, Kennedy, Mount, Nave, Riley, Smiley, Smith, Stafford, Thompson, Watt, Watts, Williams, and Wright—23.

*Those who voted in the negative were,*

Messrs. Angle, Berry, Brady, Chamberlain, Clark, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Moffatt, Morgan, Nickel, Stephenson, Tannehill, and Tuley—18.

So said bill was passed.

Mr. Smiley, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House, No. 300, a bill to repeal an act entitled an act to incorporate the mayor and common council of the town of Lafayette, approved February the 6th, 1837, have, according to order, had the same under consideration, and directed me to report it back to the Senate without amendment, and recommend its passage.

Said bill was read a third time and passed.

Mr. Nickel, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of Jacob Henry Hornburg, of Shelby county, have had the subject matter contained in said petition under consideration, and have directed me to report the following bill:

Said bill entitled, bill No. 141, a bill to change the name of Jacob



Henry Hornburgh, was read a first, second, and third times and passed.  
Mr. Baird of St. Joseph, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the House of Representatives entitled, an act for the relief of R. & H. Stewart, have had the same under consideration, and have carefully examined the evidence upon which said bill is founded, and have come to the unanimous conclusion that justice requires the passage of said bill. I have therefore been instructed to report said bill back to the Senate without amendment, and respectfully recommend its passage.

Said bill was read a third time and passed.

Mr. Watts, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the bill of the House of Representatives, number 181, to authorize the re-location of the state road passing through the town of Rising Sun, in the county of Dearborn, have had the same under consideration, and have made one amendment thereto, and have directed me to report the same to the Senate, and ask their concurrence therein.

Said amendment was concurred in.

Said bill was read a third time and passed.

Mr. Thompson, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a petition of a number of the citizens of Leavenworth, in Crawford county, relative to a change in the Albany and Princeton state road in or about Leavenworth, herewith report the following bill, in compliance with the prayer of the petitioners, entitled

A bill to change the route of the New Albany and Princeton state road, within the county of Crawford;

Which bill was read a first, second, and third times and passed.

Mr. Lane, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill to dissolve the bans of matrimony between Charles Fulerton and Eleanor Fulerton, with instructions to inquire into the constitutionality of granting said divorce, have had that subject under consideration, and a majority of said committee directed me to report, that in their opinion it is not unconstitutional, and have directed me to report said bill back and recommend its passage.

Mr. Stephenson moved to lay said bill upon the table;

Which motion prevailed, and said bill was laid upon the table.  
Mr. Green, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the bill of the House No. 133, to amend an act entitled an act to incorporate the town of Vevay, approved January the 30th, 1836, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Said bill was read a third time and passed.

Mr. Chamberlain, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred so much of the Governor's message as relates to the Maine boundary question, and also the resolutions of the General Assembly of the State of Ohio, "approving of the course of the General Government and the authorities of Maine, in relation to the northeastern boundary," have had that subject under consideration, and unanimously

## REPORT:

That they deem the subject one deeply involving considerations of the greatest moment, both to the interest and honor of our sister state, and to the whole American people.

Ever since the treaty of 1783, in which the boundary line between the state of Maine, and the neighboring British Provinces, was as clearly defined and as little liable to misconstruction or honest doubt, as is the boundary line between any two of the states of this union; for a period of fifty-seven years, indeed, the whole period of the political existence, of this republic, since the close of the war of the revolution, have the sanguine hopes of the American people, for the relinquishment of the preposterous claims of the British crown to a portion of the territory of one of the sovereign states of this confederacy, been in vain. Indeed, the unfounded pretensions of England seem to have gained strength by the delay, in which every effort at negotiation has resulted.

England never pretended that she had any well founded claim to this portion of our territory, till after a lapse of time, she was awakened to its importance, as affording her the only means of direct communication between New Brunswick and Canada. So fully impressed was that nation with this fact, that repeatedly, in the first efforts at negotiation on that subject, she proposed a compromise of the question, by granting us what she deemed a full equivalent for what she asked,



by a cession to us of an equal extent of territory adjacent to the eastern boundary of Maine.

Encouraged however, by the success of her efforts at delay and evasion, her language of persuasion finally hardened into effrontery. What she at first asked as a boon, she at length demanded as her right. And from that period her courtesy has given place to insolence and outrage.

The soil of our country has been invaded, our public domain plundered, and our citizens imprisoned!

The authorities of Maine have been insulted, and her civil officers arrested in the lawful discharge of their duties, upon her own soil. In 1830, the officers of the Marshal of the United States, in the discharge of their duties, in taking the enumeration of the American citizens on American soil in Maine our sister state, were interrupted and expelled the territory, by the colonial banditti of England. Our fellow citizens, for daring to unfurl the stars and stripes of their country, on the free air they had been accustomed to breathe, in commemoration of their country's birth day, have been dragged from the protection of her banner and her laws, and cast into the dungeons of Frederickton; and our flag, which the world, civilized and barbarian, has elsewhere been taught to respect, has been insulted in our own land. Public and private property, have been wantonly plundered and taken from our territory. And when in pursuance of peaceable redress, and to prevent the farther perpetration of these outrages, to vindicate the rights of Maine, and the honor of the nation, the civil officers of that state were sent to remonstrate with the British provincial authorities, military and civil, then occupying the disputed territory, and to demand an explanation, again were they, and the authority under which they acted, insulted, again were American citizens dragged from their own land, and again cast into prison!

Is it consistent with the nation's honor, the rights of her citizens, or the spirit of our sires, that these outrages should longer be tamely endured?

Your committee hope that our brethren of Maine will not appeal to their fellow citizens in vain. But as yet they have only appealed to us by the justice of their cause, and the noble spirit of defiance with which they have advanced to the rescue of their own and the nation's rights and honor.

Already, to repel the actual invasion of the British, for the purpose of enforcing a most unfounded claim, *to nearly a third part of the entire territory of Maine*, have her citizens been in the field, and in obedience to the public will of the state, which with one voice called them to duty, and regardless of the inclemency of a northern winter, have they endured the hardships of a winter campaign.

Happily, however, deterred by the promptitude and energy of the authorities and citizens of Maine, and of the General Government, the British forces desisted for a time from further violence and outrage, retired from the territory and saved the effusion of blood.

It was hoped that the agreement stipulated between General Scott and Sir John Harvey, Governor of New Brunswick, would have been

observed on the part of the British authorities, until the final adjustment of the question by the renewed negotiation which was proposed. But recent indications, your committee regret to say, but too plainly show a determination on the part of England, not only to disregard all our just claims, all amicable stipulations, and all her own professions of sincerity in the desire of a peaceable termination of the difficulty; but that she is most wantonly abusing the confidence which our government has but too readily placed in her good faith, to improve the opportunity which our amicable disposition affords her, of preparing for a more vigorous effort to enforce her pretensions.

It is but too evident, that under the pretence of surveying the country to obtain the necessary knowledge of the region over which the line of the treaty of 1783 passes in order to a more satisfactory settlement of the question, her engineers, Featherstenaugh and Mudge, in their recent survey, have in fact directed their attention as engineers exclusively to ascertaining the most suitable points for the establishment of not a *line of boundary*, under the treaty, but a line of ports and fortifications.

A similarly hostile intention, your committee believe, is also manifested in the recent intimations given by the Government of New Brunswick, to the citizens along the border, as to what will be their proper course of conduct, in case of hostilities.

Still more unequivocally are we admonished, by the fact, that Governor Fairfield (of Maine) in a communication to the President, of the 23d Dec. last, giving intelligence of late movements of the British troops upon the disputed territory, which intelligence the President made the subject of representation to the British minister at Washington, through the Secretary of State, who in his communication to Mr. Fox, remonstrated against "the adoption within the disputed territory, of measures of defence and precaution, in manifest violation of the understanding between the two countries."

And while your committee are still more deeply impressed with the obligations which the crisis imposes upon every American citizen, by the views entertained on this momentous subject, by Mr. Buchanan of the United States Senate, and chairman of the committee on foreign relations, they also congratulate the country, on the singular propriety with which he has pointed out our appropriate line of duty, in his recent remarks on the subject.

Mr. Buchanan says:—

"I am very apprehensive that we may have serious difficulties with the British authorities, before the close of this controversy. My earnest desire is therefore, that our proceedings may be marked with such justice, moderation and firmness as to justify us in the eyes of all mankind. A contest must be avoided if this be possible, consistent with the national honor; and then, if it should be forced upon us, we shall be a united people."

Your committee rejoice that in the assurances given by the authorities of Ohio, in their resolutions under consideration, we have an ample guarantee, that in the trying hour, if it should come upon us, so far as our brethren of that magnanimous state are concerned, "we



shall be a united people." And we do not permit ourselves to doubt that in this event, *Indiana will yield the palm of patriotism to none.*

Your committee therefore recommend the adoption of the accompanying preamble and joint resolutions in relation to the northeastern boundary:

Said joint resolution, entitled,  
No. 143, a preamble and joint resolution in relation to the northeastern boundary,

Was read a first and second times.

On motion, the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

The president laid before the Senate the following report from the Vernon Savings Institution:

OFFICE OF THE VERNON SAVINGS INSTITUTION,  
February 5, 1840.

HON. DAVID HILLIS,  
*President of the Senate:*

Sir—Herewith is transmitted the third annual report of the Vernon Savings Institution, which you will lay before the body over which you have the honor to preside.

Very respectfully your ob't servant,  
G. W. BRANHAM, *Sec'y.*

*To the Honorable the Senate of Indiana, in session:*

Since the report of 1839 there has been no additional stock subscribed and no business except of an ordinary kind transacted. The condition of the institution at present is:

#### LIABILITIES.

|                                     |             |
|-------------------------------------|-------------|
| 687 shares stock subscribed, amount | \$34,350 00 |
| On deposit                          | 215 00      |
| Profit and loss                     | 2,373 64    |
|                                     | <hr/>       |
|                                     | \$36,938 64 |

#### RESOURCES.

|  |             |
|--|-------------|
| Notes, bills and drafts purchased and discounted | \$7,975 00  |
| Stock notes                                      | 27,090 45   |
| Contingent expenses                              | 112 55      |
| Dividends paid                                   | 1,687 83    |
| Cash on hand                                     | 72 81       |
|  | <hr/>       |
|  | \$36,938 64 |

Respectfully submitted,  
G. W. BRANHAM,  
*Secretary V. S. I.*

Which report was laid upon the table.

On motion of Mr. Finch,

*Resolved*, That the Secretaries of the Senate be permitted to employ such additional assistance as will enable them to keep up the business of the Senate: *Provided*, That nothing contained in this resolution shall be so construed as to permit said Secretaries to employ any Senator as such additional assistant.

Mr. Watts, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred bill No. 163 of the House, to allow further time to the Lawrenceburgh and Indianapolis rail road company, to settle up and close their affairs, have had that subject under consideration and have directed me to report the same back without amendment and recommend its passage.

Said bill was read a third time and passed.

Mr. Watts, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the House No. 204, to incorporate the Lawrenceburgh and Napoleon turnpike company, have had that subject under consideration, have made one amendment, and have directed me to report the same to the Senate, and ask their concurrence therein, and recommend its passage.

Said amendment was concurred in;

And said bill was read a third time and passed.

Mr. Finch, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill creating the county of Benton and for other purposes, have had the same under



consideration and have directed me to report the bill to the Senate, with the following section as an amendment to the bill; to which they desire the concurrence of the Senate.

The amendment and report being under consideration, they were concurred in.

Mr. Blair moved to amend the bill by striking out the name of Benton and inserting that of Tipton, as the name of said county.

A division of the question being ordered;

The question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Blair, Cravens, Elliott, Ewing of Allen, Smith, Stafford and Watts—11.

*Those who voted in the negative were,*

Messrs. Bell, Berry, Bowen, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe Morgan, Mount, Nave, Nickel, Riley, Smiley, Stephenson, Tannehill, Thompson, Tuley, Watt, Williams and Wright—31.

So said name was not stricken out.

Said bill was read a third time and passed.

Mr. Ewing of Allen, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House No. 62, entitled an act providing for a more uniform mode of doing county business in the several counties therein named, have had the same under consideration and directed me to report the same back to the Senate without amendment.

On motion of Mr. Chamberlain, said bill was so amended as to require it to be published in a newspaper at Fort Wayne.

Said bill was read a third time and passed.

Mr. Tuley, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the bill of the House No. 250, to repeal an act entitled an act to locate a state road from New Albany in Eloyd county to Charlestown in Clark county, approved Dec. 20, 1838, have had the same under consideration, and directed me to report it back to the Senate with amendments, and ask the concurrence of the Senate therein.

Said amendments were concurred in.

Said bill was read a third time and passed.

Mr. Baird of St. Joseph, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House of Representatives No. 57, entitled a bill supplemental to an act entitled an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges, approved Feb. 10, 1831, have had the same under consideration and directed me to report the same back to the Senate and recommend its indefinite postponement.

Said report was concurred in.

And the bill indefinitely postponed.

Mr. Brady, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom were referred the petition of John Dougherty and other journeymen printers in the town of Indianapolis, have according to order had the same under consideration and have directed me to report a bill, entitled, a bill to incorporate the Indianapolis Typographical Society, and recommend its passage.

Said bill, entitled,

No. 144, a bill to incorporate the Indianapolis Typographical Society,

Was read a first, second and third times and passed.

Mr. Armstrong, from a select committee made the following report:

MR. PRESIDENT—

The select committee to whom was referred an engrossed bill of the House of Representatives No. 198, concerning the estate of Benjamin F. Batts, deceased, have according to order had said bill under consideration and directed me to report the same back to the Senate without amendment, and recommend its passage.

Said bill was read a third time and passed.

Mr. Berry, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred bill of the Senate No. 135, amendatory to an act entitled an act incorporating congressional townships and providing for common schools therein, approved Feb. 17, 1838, have had the same under consideration and directed me to



report the same back with an amendment of three additional sections, and ask the concurrence of the Senate therein.

And said amendments were concurred in.

Said bill was read a third time.

Mr. Morgan moved to lay said bill upon the table;

Which motion did not prevail.

The question being on the passage of said bill;

Said bill was passed.

Mr. Dobson, from a select committee, made the following report:

Mr. PRESIDENT—

The committee to whom was referred bill No. 140 of the House to authorize D. M. Ingersoll and J. Jessup to build a dam across Eel river in Green county, have had the same under consideration and have directed me to report the same back to the Senate without amendment and recommend its passage.

And said bill was read a third time and passed.

Mr. Herriott, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred so much of the message of the Governor as relates to the receiving from the Secretary of the Treasury of the United States the set of standard weights authorized by Congress, have had that subject under consideration and directed me to report:

That your committee are satisfied of the importance of each county in the state being furnished with a set of standard weights and measures. But inasmuch as your committee understand that the act of Congress authorizes the furnishing to each state a set of standard weights and measures, and as the Governor in his message only refers to the receipt of a set of weights, and as your committee are not in possession of sufficient information to enable them to form an opinion as to the amount it would cost the state to have a set of standard weights made and delivered to each of the counties; therefore,

*Resolved*, That the Treasurer of State is hereby authorized and required to receive the said set of standard weights (and measures if the same should be forwarded by the Treasurer of the U. S. to this state previous to the meeting of the next General Assembly,) and that he inform himself if practicable, of the amount it will cost the state to furnish to each county a set of standard weights, (and also a set of measures provided the same may be received as aforesaid,) and that he report said information to the Senate during the second week of their next session.

Said report was concurred in.

Mr. Berry, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was directed the petition of Julia Ann Adams of Monroe county, praying to be divorced from her husband John W. Adams, have given me leave to report the following bill, entitled,

No. 145, a bill for the relief of Julia Ann Adams;

Which was read a first time, and,

On motion of Mr. Stephenson, said bill was rejected.

Mr. Hargrove, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee, to whom was referred the petition of sundry citizens of Gibson county, praying the passage of an act divorcing Joel Baldwin from his wife Sally Ann, together with documents upon that subject, have according to order had the same under consideration, and find from the documents therewith submitted, that a suit is now pending in the Warrick circuit court, upon the same subject; therefore your committee have directed me to report, that it is inexpedient to legislate thereon at this time, and ask to be discharged from the further consideration thereof.

Said report was concurred in.

Mr. Clark, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to which was referred a bill of the House entitled a bill to change the name of the town of Paris in Lawrence county to that of Bryantsville, have had the same under consideration and have directed me to report the same back without amendment, and respectfully recommend its passage; and the committee ask to be discharged from its further consideration.

Said bill was read a third time and passed.

Mr. Finch, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the Senate, No. 132, entitled a bill relating to certain water power therein named, have according to order, had the same under consideration, and directed me to report it back to the Senate without amendment and recommend its passage.

On motion of Mr. Smiley said bill was amended as follows:



*Be it further enacted*, That the provisions of this act (so far as the same may be applicable,) shall extend to the leasing of the water power that may be available at Lafayette or vicinity.

On motion of Mr. Chamberlain, said bill was referred to the committee on canals and internal improvements.

Mr. Morgan, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred bill No. 96 of the House, have had the same under consideration, and have directed me to report the same without amendment, and recommend its passage.

Mr. Chamberlain moved to commit said bill to the committee on corporations,

Which motion did not prevail.

Mr. Chamberlain moved to amend said bill by striking out the words "two thirds;"

Which motion did not prevail.

Said bill was read a third time and passed.

Mr. Chamberlain gave notice that he would on to-morrow, move so to amend the standing rules, as that the names of Senators, for reports from select committees should be called in alphabetical order.

Mr. Stafford moved to send to the committee on canals and internal improvements, to which had been referred the bill relative to certain water power, the following instructions:

Sec. —. *Be it further enacted*, That the provisions of this act shall, so far as the same be applicable, extend to the leasing of the water power at the Bluffs in Morgan county, which is now available; that it is hereby made the duty of the internal improvement board, to lease a sufficient amount of the water power at the place aforesaid, for four run of stones and two saws, at any rate not less than one hundred dollars per run of stone or saw.

Said motion prevailed and said instructions were sent to the committee.

Mr. Cravens, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the House of Representatives No. 87, entitled a bill to re-build the bridge across Laughery creek in Ripley county, have had the same under consideration and have directed me to report the bill back to the Senate without amendment, and ask the Senate to pass it if they please.

The question then being on the passage of said bill,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Brady, Carnan, Cravens, Ewing of Cass, Ewing of Allen, Finch, Morgan, Mount, Nickel, Tannehill, Watts, Williams and Wright—15.

*Those who voted in the negative were,*

Messrs. Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carr, Cathcart, Chamberlain, Dobson, Elliott, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Moffatt, Nave, Riley, Smiley, Smith, Stafford, Stephenson, Thompson, Tuley, and Watt—30.

So said bill did not pass.

Mr. Kennedy, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House of Representatives, entitled an act to establish a state road therein named, have had the same under consideration and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Said bill was read a third time and passed.

Mr. Chamberlain, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill to recover the value of sheep killed by dogs, have had that subject under consideration and directed me to report the same back to the Senate with one amendment, which is to strike out the proviso in said bill, and ask the concurrence of the Senate therein.

Said report was concurred in.

Said bill was read a third time and passed.

Mr. Elliott introduced a bill entitled,

No. 146, a bill concerning clerks;

Which was read a first time and ordered to a second reading.

Mr. Lane introduced a bill entitled,

No. 147, a bill to regulate vending merchandize at auction in this state;

Which was read a first and second times, and referred to the judiciary committee.

Mr. Armstrong introduced a bill entitled,

No. 148, a bill to amend the several acts for the promotion of schools and education in Clark's Grant, and in reference to the school fund in Clark county;

Which was read a first, second and third times and passed.



*Ordered*, That the House of Representatives be informed thereof.  
Mr. Brady introduced a bill entitled,  
No. 149, a bill fixing the time of holding the commissioner's courts  
in Marion county in 1840;

Which was read a first, second and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Chamberlain, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill to encourage the raising of sheep and hogs, and for other purposes, which committee was instructed to amend said bill by striking out the 2d section, have had that subject under consideration, and in conformity with said instructions, report the same back to the Senate with said amendment, which is to strike out from said bill the second section thereof, which section is in these words, to-wit:

"Sec. 2. That an act entitled an act to encourage the killing of wolves, approved 10th February, 1831, be and the same is hereby revised."

But while the committee, thus comply with the instructions of the Senate, the undersigned, a majority of said committee, beg leave respectfully, but earnestly, to express the hope, that the Senate will not concur in said amendment.

Said second section revives the act of 1831, which provides for a bounty on wolf scalps, to be paid out of the state treasury, which act was repealed by the act approved Feb. 17, 1838. The undersigned believe that to encourage and promote the agricultural interest of any country, are among the prominent duties of the representative, and should be the first object of legislation. And more especially, in a state so exclusively agricultural as Indiana, the importance of this subject is urged upon our attention with peculiar force.

To the raising of hogs and sheep, as the most important branches of her agricultural interest, Indiana must ever look, as the great sources of her wealth. Pork not only always has been, and still is one of the great staples of her trade, but ever has been, still is, and probably ever will be her principal article of exportation. Next in importance, if indeed it can be regarded as in interest worthy only of secondary consideration, is that of raising sheep. And the undersigned would here impress upon the Senate the fact that that branch of what should be, and naturally are our prime sources of wealth, have languished under the influence of marked neglect.

Protection to these interests then, is among our first duties; and the most effectual protection that can be given them, is to preserve their increase from the havoc and destruction which so often blasts the hopes of the farmer in those portions of the state which are yet more or less infested by wolves, in the manner contemplated by said second section of the act under consideration. The undersigned do not deem

it necessary to press the importance of this measure upon the consideration of the Senate of a state, upon every page of whose agricultural history, from its earliest settlement to the present day, its importance is so indelibly impressed. It is not yet forgotten, nay it cannot be in the oldest part of Indiana. And the undersigned believe that it would justly be regarded as an uncourteous distrust of the enlightened and liberal principles which should characterize the action of her legislators, to entertain for a moment the idea, that because in *particular sections* of the state, the urgency of this protection, (which when needed they have enjoyed,) has ceased in part or entirely to be felt, *other portions*, now struggling into existence, under all the other inconveniences incident to a comparatively new country, are to be abandoned to the ruthless depredation of beasts of prey.

Shall it be said of us, that while we profess to be anxious to foster and protect the agricultural interests of the state, by the establishment of societies for that purpose, and granting premiums for the best specimens of agricultural industry and skill; nay even, while we offer a premium in fact for the best *sheep* or *hog*, shall it be said of us that we in fact abandon the best interests of both to destruction? Which is the strongest evidence of wisdom, of prudence, and economy, to give a *premium* on *one hog*, equal in amount to the *bounty* which would secure the destruction of *one wolf*, by which not unfrequently "*whole litters of pigs are destroyed*?" No one who would decide in favor of the premium instead of the bounty, could expect to receive from the practical good sense of the yeomanry of Indiana, any very high consideration for his wisdom and discretion.

The undersigned, in conclusion, do not hesitate to say that the just rewards of industry, the encouragement and promotion of our agricultural interests, the high considerations of enlightened and liberal legislation, the protection which citizens of Indiana have a right to expect from her hands, and the principles of "even and exact justice to all," conspire to enforce the propriety of reviving the act proposed to be revived by said second section of the act under consideration. We therefore earnestly request the passage of said act without the proposed amendment.

E. M. CHAMBERLAIN,  
ANDREW KENNEDY,  
W. G. EWING,  
D. M. DOBSON.

The question being on concurring in said report:  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Beard of M., Berry, Blair, Brady, Carr, Clark, Cravens, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Moffatt, Morgan, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Thompson, Watt, Watts and Williams—26.



*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Joseph, Bell, Carnan, Cathcart, Chamberlain, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Kennedy, Mount, Smiley, Tannehill, Tuley, and Wright—17.

So said report was concurred in.

Mr. Chamberlain moved that 500 copies of said report be printed for the use of the Senate;

Mr. Ewing of Allen moved that the motion be amended by printing 300 copies of said report;

Mr. Watts called for a division of the question, and the question being on printing,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Carnan, Cathcart, Chamberlain, Elliott, Ewing of Cass, Ewing of Allen, Green, Kennedy, Lane and Smiley—12.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carr, Clark, Cravens, Dobson, Finch, Hackett, Hargrove, Kinzer, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watt, Watts and Williams—30.

So said report was not ordered to be printed.

Mr. Cathcart introduced a bill entitled

No. 150, a bill to amend the several acts for the collection of the revenue, and to repeal an act to provide a fund to encourage common schools, approved February 2, 1832, and an act in furtherance thereof, approved February 18th, 1839;

Which was read a first and second times, and referred to the judiciary committee.

On motion of Mr. Hargrove,

*Resolved,* That the Senate will, the House of Representatives concurring therein, proceed on to-morrow at 2 o'clock, P. M., to the election of commissioners for the seminary townships in Gibson and Monroe counties, to fill the vacancies occasioned by the term of service of the former commissioners having expired by operation of an act passed this General Assembly, and that the House of Representatives be informed of the adoption of this resolution, and their concurrence requested.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have appointed Messrs. Farlay and

Thompson a committee of free conference, on the part of the House, to act with a like committee heretofore appointed on the part of the Senate, to take into consideration the disagreement of the two Houses upon the amendment made by the House to bill of the Senate,

No. 94, an act for the relief of Phebe Clymer.

The following message was received from the Governor, by Mr. Moore, his private secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he did on yesterday approve and sign acts of the titles following, to wit:

An act to incorporate the Bartholomew county Silk company;

An act for the relief of Marion county;

An act to amend an act entitled an act to incorporate the city of New Albany, and to repeal all laws in force incorporating the town of New Albany, approved 14th February 1839,

An act incorporating the Orange Guards; and also,

A memorial and joint resolution of the General Assembly of the State of Indiana, asking for a further appropriation for the prosecution of the public works at Michigan City.

All of which originated in the Senate.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills thereof which originated in the Senate, and find the same truly enrolled, to wit:

No. 23, An act to amend an act concerning insane persons, approved 22d January, 1818,

No. 98, an act to legalize and confirm the official acts of the several boards of trustees of the village of Mishawaka,

No. 99, an act to legalize certain acts of the county commissioners of Cass county,

No. 108, an act for the relief of George Crawford and James R. McCord,

No. 113, an act in relation to county surveyors;

No. 100, an act to authorize James T. Miller to keep a public ferry across the Wabash river in Miami county, and for other purposes,

No. 118, an act relative to the jurisdiction of justices of the peace in Allen county,

Mr. Tuley, from the committee on enrolled bills, reports:



Mr. PRESIDENT—

The joint committee on enrolled bills have examined the following enrolled with the engrossed bills of the House, and find the same truly enrolled:

No. 127, an act to amend an act entitled an act incorporating the Richmond and Boston turnpike company, approved February 15th, 1839;

No. 46, an act to regulate the jurisdiction of justices of the peace in Grant county;

No. 33, an act legalizing the acts and proceedings of the trustees of school district, township No. 6, north of range No. 9 west, in Sullivan county, in relation to the town of Edwardsport;

No. 276, an act to change the name of Mary Burroughs;

No. 185, a joint resolution in relation to contractors;

No. 86, an act to re-locate the seat of justice in the county of Lagrange;

No. 129, an act to authorize John T. Wheeler, a minor, to sell certain real estate;

No. 165, an act to authorize the holding of an additional term of the circuit court for the county of Washington;

No. 172, an act to provide for the election of a justice of the peace in the town of Owensville in Gibson county;

No. 184, an act to revive an act to incorporate the Lagrange county manufacturing company;

No. 258, an act for the relief of the heirs and administrators of John Tipton, deceased;

No. 179, an act to incorporate the Lagrange college institute;

No. 287, an act to amend an act entitled an act dividing the state into judicial circuits and fixing the times of holding courts therein and for other purposes;

No. 180, an act to repeal an act entitled an act providing for the clearing out of Pride's creek in Pike county, approved Jan. 21, 1839,

No. 213, an act to provide for the re-location of the county seat of Scott county;

No. 54, an act to repeal a part of an act entitled an act concerning Knox county;

No. 43, an act to amend an act entitled an act organizing the supreme court and fixing its powers and duties, approved February 17, 1838;

No. 150, an act relative to the probate court of Bartholomew county;

No. 47, an act to vacate the town of Economy in Gibson county;

No. 149, an act to legalize the acts of the probate court of DeKalb county;

No. 271, an act supplemental to an act for the election of three school commissioners in township No. 14, north of range 7 west, in Parke county;

No. 191, an act to provide for the election of a justice of the peace and constable in the town of White Hall in Owen county;

No. 190, an act to revive an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Dearborn county;

No. 188, an act to declare the meaning of the 29th section of an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Feb. 17, 1838;

No. 159, an act to fix the times of holding probate courts in Marion county;

No. 262, an act to provide for the election of a justice of the peace in Jacksonville, Fountain county;

And, on motion, the Senate adjourned.

WEDNESDAY MORNING, FEB. 12.

The Senate assembled.

Mr. Angle, having obtained leave, made the following report from a select committee:

Mr. PRESIDENT—

The select committee to which was referred a bill of the Senate, No. 124, to license pedlars to vend merchandize, have had the same under consideration, and have directed me to report the same back to the Senate with an amendment, and ask their concurrence.

Said amendment was concurred in,

And said bill read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Moffatt, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill to re-locate the seat of justice in Sullivan county, have had that subject under consideration and have instructed me to report it back to the Senate and ask that it be indefinitely postponed.

The question being on concurring in said report,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair,



Bowen, Carnan, Clark, Dobson, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watts, and Williams—22.

*Those who voted in the negative were,*

Messrs. Berry, Brady, Carr, Cathcart, Chamberlain, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley and Wright—19.

So said report was concurred in,  
And said bill was indefinitely postponed.

On motion of Mr. Chamberlain,

*Resolved*, That the standing rules of the Senate be so amended as that the names of Senators shall be called alphabetically for reports from select committees, and the introduction of bills, beginning alternately at the head and foot of the list.

On motion of Mr. Fwing of Allen, in accordance with previous notice, the rules of the Senate were so changed that standing committees be called upon for reports, beginning alternately at the head and foot of the list of committees by the President of the Senate.

Mr. Wright, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom a bill of the House of Representatives, entitled a bill to authorize the qualified voters of this state to vote for or against a convention for a revision of the constitution of this state, was referred, has had the same under consideration, and have directed me to report the same back to the Senate with one amendment to the first section of the bill, in which the concurrence of the Senate is respectfully requested, and the passage of the bill recommended.

Said amendment was concurred in.

And said bill was considered as engrossed, read a third time, and passed.

Mr. Thompson, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the bill to abolish capital punishments, return the same to the Senate and recommend its passage.

Said bill was read a third time.

Mr. Angle moved to lay the bill upon the table, and

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Blair, Carnan, Cathcart, Chamberlain, Cravens, Ewing of Cass, Ewing of Allen, Hargrove, Lowe, Morgan, Stafford, Tannehill, and Tuley—17.

*Those who voted in the negative were,*

Messrs. Beard of M., Berry, Bowen, Brady, Carr, Clark, Dobson, Elliott, Finch, Green, Hackett, Herriott, Kennedy, Moffatt, Mount, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Thompson, Watt, Watts, Williams and Wright—27.

So said motion was decided in the negative, and the bill was not laid upon the table.

The question being on the passage of said bill, and  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Beard of M., Bell, Berry, Bowen, Brady, Carr, Clark, Dobson, Elliott, Finch, Hackett, Herriott, Kennedy, Mount, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Thompson, Watt, Watts, Williams and Wright—25.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Blair, Carnan, Cathcart, Chamberlain, Cravens, Ewing of Cass, Ewing of Allen, Green, Hargrove, Lowe, Morgan, Stafford, Tannehill and Tuley—18.

So said bill passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Chamberlain, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred certain petitions and a resolution on the subject of the Erie and Michigan Canal, have had that subject under consideration, and report a bill and recommend its passage.

Said bill, entitled a bill to provide for the prosecution of the Erie and Michigan Canal," was read a first time,

Mr. Green moved that the rules of the Senate be suspended, and that said bill be read a second time now, and

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Berry, Bowen, Cathcart, Chamberlain, Clark, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Moffatt, Morgan, Nickel, Smiley, Smith, Williams and Wright—21.



*Those who voted in the negative were,*

Messrs. Arion, Beard of M., Bell, Blair, Brady, Carnan, Carr, Cravens, Dobson, Herriot, Kennedy, Kinzer, Lowe, Mount, Nave, Riley, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, and Watts—23.

So the rules were not suspended.

Mr. Thompson, in pursuance of previous notice, moved to amend the standing rules of the Senate so as to preclude any Senator during the remainder of the present session from speaking more than once on any subject without special leave of the Senate, and not longer than ten minutes at a time.

On motion of Mr. Bell said motion was laid on the table.

Mr. Ewing of Cass, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the House No. 298, a bill to amend an act entitled an act attaching certain territory to the counties therein named, approved February 16, 1839, have had the same under consideration, and have directed me to report it back with an amendment, and recommend its passage.

Said amendment was concurred in,

And the bill read a third time and passed.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have concurred in the resolution of the Senate to proceed, at 2 o'clock, P. M. on this day, to the election of commissioners for the Seminary townships in Gibson and Monroe counties to fill the vacancies occasioned by the terms of service of the former commissioners having expired by operation of an act passed by this General Assembly. Messrs. Miller and Campbell have been appointed tellers on the part of the House.

Mr. Chamberlain, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the House entitled a bill to amend an act entitled an act to attach one-fourth of township No. 30, north of range four east, to the county of Fulton, have had the same under consideration and recommend its indefinite postponement.

The question being on concurring in said report:  
On motion, the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have adopted the following resolution:

*Resolved*, That the Senate be invited to attend in the hall of the House of Representatives instanter, for the purpose of electing commissioners of the seminary townships in Gibson and Monroe counties and that seats be provided for them on the right of the Speaker's chair;

And Messrs. Bowen and Morgan were appointed tellers on the part of the Senate.

Whereupon the Senate repaired to the hall of the House of Representatives.

The Convention then proceeded to the election by ballot of a commissioner of the Seminary township in Monroe county;

And upon counting the votes upon the first ballot, it appeared that,

|                            |            |
|----------------------------|------------|
| John M. Berry had received | 116 votes. |
| Scattering                 | 14 "       |

Mr. Berry having received a majority of all the votes given, was declared by the President duly elected said commissioner, to serve as such for the term of three years from and after the 28th day of March next.

The convention then proceeded to the election by ballot of a commissioner of the seminary township in Gibson county;

And upon counting the votes it appeared that,

|                          |           |
|--------------------------|-----------|
| James Smith had received | 83 votes. |
| Scattering               | 45 "      |

Mr. Smith having received a majority of all the votes given, was declared by the President duly elected said commissioner, to serve as such during the term of three years from and after the 28th day of March next.

The Convention then adjourned, and the Senate returned to their chamber.



Mr. Brady moved to dispense with previous orders of the Senate and take up the modification bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Blair, Brady, Carr, Cravens, Ewing of Cass, Finch, Lowe, Morgan, Mount, Nave, Nickel, Smiley, Smith, Stafford, Tannehill, Watts, and Wright—19.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Carnan, Cathchart, Chamberlain, Clark, Dobson, Elliott, Ewing of Allen, Hackett, Hargrove, Kennedy, Kinzer, Lane, Moffatt, Riley, Stephenson, Thompson, Tuley, Watt and Williams—25.

So said motion did not prevail.

On motion of Mr. Baird of St. Joseph, the Senate re-considered the vote on the indefinitely postponement of the bill of the House of Representatives, No. 88, to enlarge the powers of the probate court of Marion county in a certain case therein named.

And the Senate refused to concur in the report of the judiciary committee recommending the indefinite postponement of said bill.

Said bill was read a third time.

The question being on its passage.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Kinzer, Lowe, Mount, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill and Williams—26.

*Those who voted in the negative were,*

Messrs. Chamberlain, Clark, Cravens, Finch, Hackett, Hargrove, Kennedy, Moffatt, Morgan, Nave, Smiley, Thompson, Tuley, Watt, Watts and Wright—16.

So said bill passed.

*Ordered,* That the House of Representatives be informed thereof.

The Senate then took up bills upon their second reading.

Bills of the Senate of the following titles, viz:

No. 53, a bill to amend an act regulating the summoning and empanneling grand and petit jurors;

No. 54, a bill to vacate a part of the town of Shepherdstown;

No. 57, a bill to amend an act entitled an act to incorporate the Richmond and Boston turnpike company, approved Feb. 16, 1839;

No. 65, a bill to repeal a part of the 50th and 51st sections of an act entitled an act relating to state roads, approved Feb. 6, 1837;

Were severally read a second and third times and passed.

*Ordered,* That the House of Representatives be informed thereof.

Bill No. 76 of the Senate, to increase the per diem allowance to witnesses,

Was read a second time.

Mr. Kennedy moved the indefinite postponement of said bill.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Beard of M., Elliott, Ewing of Allen, Finch, Hargrove, Kennedy, Moffatt, Mount, Riley, Stephenson, Tannehill, Tuley and Watts—14.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Bowen, Carnan, Carr, Chamberlain, Clark, Cravens, Hackett, Lane, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Stafford, Thompson, Watt, Williams and Wright—24.

So said bill was not indefinitely postponed.

Mr. Baird of St. Joseph moved to fill the blank in said bill so as to allow witnesses from other counties the sum of \$1 25 per day.

Mr. Thompson moved to amend said motion by saying \$1 per day for said foreign witnesses, and for witnesses in their own proper counties 75 cents per day.

Mr. Baird accepted so much of said amendment as relates to foreign witnesses.

And said blank was so filled.

The question being on striking out the sum of one dollar and inserting 75 cents per day for witnesses in their proper county,

Mr. Elliott called for a division of the question, and the question being on striking out:

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Beard of M., Bell, Berry, Blair, Brady, Carnan, Carr, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Lane, Moffatt, Mount, Riley, Stephenson, Tannehill, Thompson, Tuley and Watt—28.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Chamberlain, Herriott, Kinzer, Morgan, Nave, Nickel, Smiley, Smith, Stafford, Watts, Williams and Wright—14.

So said words "one dollar" were stricken out.



The question being on inserting "75 cents;"  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Carr, Chamberlain, Clark, Cravens, Dobson, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Morgan, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Thompson, Watts, Williams and Wright—33.

*Those who voted in the negative were,*

Messrs. Angle, Brady, Elliott, Ewing of Cass, Ewing of Allen, Kennedy, Moffatt, Mount, Nave, Tannehill, Tuley and Watt—12.

So said words were inserted.

Mr. Nave moved to amend said bill as follows:

And this act shall include all witnesses subpoenaed in prosecutions on the part of the state, who are legally subpoenaed to testify in any state prosecution against any of the citizens of this state, and where the state shall fail in her prosecution, provided the court trying any such prosecution shall be satisfied that there was a want of probable cause of prosecution, which fees shall be taxed up by said court and collected off the prosecuting witnesses who shall voluntarily appear as such, as in other cases in which the defendant or defendants are convicted.

Which amendment was adopted.

Mr. Kennedy moved to lay said bill on the table.

Which motion did not prevail.

Mr. Thompson moved further to amend said bill so as to reduce the per diem allowance to grand and petit jurors to one dollar;

Which motion did not prevail.

On motion of Mr. Thompson, said bill was referred to a select committee.

*Ordered,* That said select committee consist of Messrs. Thompson, Baird of St. Joseph and Nave.

A bill of the Senate No. 84, to vacate the town of Georgetown in Hendricks county;

A joint resolution of the Senate No. 85, for the benefit of Gibson and Dubois counties;

A bill of the House No. 135, to authorize the circuit court of the county of Cass, to change the venue in a certain case therein named, and,

A bill of the House No. 64, to amend an act entitled an act for the protection of the Madison and Indianapolis rail road, &c., approved Feb. 14, 1839;

Were severally read a second and third times and passed.

*Ordered,* That the House of Representatives be informed thereof.

A bill of the Senate, No. 81, to amend an act entitled an act relating to crime and punishment, was read a second time, and

On motion of Mr. Beard of St. Joseph, said bill was indefinitely postponed.

A bill of the Senate No. 82, to amend an act relating to public roads &c., was read a second time.

Mr. Watts moved to amend said bill by striking out so much thereof as allows the supervisor pay while attending upon the hands at work.

On motion of Mr. Stephenson, said bill was laid upon the table.

A bill of the Senate No. 86, entitled a bill to amend an act to regulate general elections, approved February 17th, 1838, was read a second time.

Mr. Morgan moved to lay said bill upon the table, which motion did not prevail.

Mr. Bell moved to amend said bill by striking out the words "fifty dollars," and inserting "ten dollars," as the amount of fine imposed for violating the provisions thereof, which motion prevailed,

And said bill was read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

The following message was received from the Governor by Mr. Moore, his private secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has this day approved and signed acts which originated in the Senate, of the titles following, to wit:

An act to legalize certain acts of the county commissioners of Cass county,

An act for the relief of George Crawford and James R. McCord,

An act to amend an act concerning insane persons, approved 22d January, 1818,

An act to legalize and confirm the official acts of the several boards of trustees of the village of Mishawaka, an act in relation to county surveyors,

An act relative to the jurisdiction of justices of the peace in Allen county,

An act to authorize James T. Miller to keep a ferry across the Wabash river, and for other purposes.

The following message was received from the House of Representatives by Mr. Harris, their Clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the Senate as follows, to wit:

No. 100, an act to authorize James T. Miller to keep a ferry across the Wabash river, and for other purposes,



No. 118, an act relative to the jurisdiction of justices of the peace in Allen county;

Also, enrolled bills and a joint resolution of the House, as follows, to wit:

No. 18, an act to regulate the jurisdiction of justices of the peace in Green county,

No. 33, an act legalizing the acts and proceedings of the trustees of school district township No. six, north of range No. nine west, in Sullivan county, in relation to the town of Edwardsport,

No. 43, an act to amend an act entitled an act organizing the supreme court, and defining its powers and duties, approved February 17th 1838,

No. 46, An act regulating the jurisdiction of justices of the peace of Grant county,

No. 47, an act to vacate the town of Economy in Gibson county,

No. 54, an act to repeal a part of an act entitled an act concerning Knox county,

No. 86, an act to re-locate the seat of justice in the county of Lagrange, No. 127, an act to amend an act entitled an act to incorporate the Richmond and Boston turnpike company,

No. 129, an act to authorize John T. Wheeler, a minor, to sell certain real estate therein named,

No. 149, an act to legalize the acts of the probate court of Dekalb county.

No. 150, an act relative to the probate court of Bartholomew county,

No. 159, an act to fix the time of holding probate courts in Marion county,

No. 165, an act to authorize the holding of an additional term of the circuit court for the county of Washington,

No. 172, an act to provide for the election of a justice of the peace in the town of Owensville, in Gibson county,

No. 179, an act to incorporate the Lagrange Collegiate Institute,

No. 180, An act to repeal an act entitled an act providing for the clearing out of Pride's creek in Pike county, approved January 21st, 1839.

No. 184, an act to revive an act to incorporate the Lagrange county manufacturing company,

No. 185, a joint resolution in relation to contractors,

No. 188, an act to declare the meaning of the 29th section of an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved February 17, 1838,

No. 190, an act to revive an act entitled an act to amend an act for the benefit of persons who are likely to suffer by the destruction of the records of Dearborn county, which were consumed in the court house in Lawrenceburgh on the 6th of March, 1826, approved January 11, 1837,

No. 191, an act to provide for the election of a justice of the peace and constable in the town of White Hall in Owen county,

No. 213, an act to re-locate the county seat of Scott county,

No. 258, an act for the relief of the heirs and administrators of John Tipton, deceased,

No. 262, an act to provide for an election of a justice of the peace in the town of Jacksonville in the county of Fountain,

No. 271, An act supplemental to an act providing for the election of three school commissioners in township No. 14, north of range 7 west, in Parke county, approved December 1839,

No. 276, an act to change the name of Mary Burroughs,

No. 287, an act to amend an act entitled an act dividing the State into judicial circuits, and fixing the times of holding courts therein, and for other purposes, and

No. 300, an act to repeal an act entitled an act to incorporate the Mayor and Common Council of the town of Layfayette, approved February 6, 1837,

I am directed to bring the same to the Senate for the signature of the president thereof,

And the President of the Senate signed said bills.

Mr. Tuley, from the committee on enrolled bills, reports:

Mr. PRESIDENT—

The joint committee on enrolled bills have presented to his Excellency the Governor, for his approval and signature, the following bills which originated in the Senate:

No. 108, An act for the relief of George Crawford and James R. McCord,

No. 99, An act to legalize certain acts of the county commissioners of Cass county,

No. 98, an act to legalize and confirm the official acts of the several boards of trustees of the village of Michiwaukee,

No. 113, an act in relation to county surveyors,

No. 23, an act to amend an act concerning insane persons,

No. 118, an act relative to the jurisdiction of justices of the peace in Allen county,

No. 100, an act to authorize James T. Miller to keep a ferry across the Wabash river, and for other purposes,

And on motion, the Senate adjourned.

THURSDAY MORNING, FEB. 13.

The Senate assembled.

Mr. Thompson presented the petition of J. L. Baker on the subject of an alteration in the corporation laws in the town of Rome.

On motion of Mr. Thompson, said petition was referred to a select committee.



*Ordered*, That said select committee consist of Messrs. Brady, Thompson, and Chamberlain.

Mr. Berry presented the petition of A. Rogers and others, citizens of Monroe county, which was referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Berry, Wright and Green.

Mr. Mount, from the committee on ways and means, made the following report:

MR. PRESIDENT—

The committee on ways and means, to whom was referred a bill of the Senate to amend an act defining the duties of county treasurers &c. approved February 18th, 1839, have had the same under consideration, and have directed me to report it back to the Senate without amendment, and recommend its passage.

Said bill was read a third time and passed.

Mr. Thompson, chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill entitled a bill to regulate the vending of merchandize at auction in this state, have agreed to report it to the Senate without amendment to be disposed of as Senators in their wisdom may deem most expedient and ask to be discharged from the further consideration thereof.

Said bill entitled,

No. 124, a bill to license pedlars to vend merchandize was read a third time and passed.

Mr. Cathcart, from the minority of the select committee on Mr. Calhoun's land bill made a report which was read,

And on motion of Mr. Kennedy, said report was laid upon the table and 1000 copies thereof ordered to be printed.

On motion of Mr. Brady, the Senate took from the table the act to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance Company."

The Senate refused to concur in the report of the judiciary committee which recommended the indefinite postponement of the bill.

And the bill was read a third time and passed.

Mr. Baird of St. Joseph, from the committee on canals and internal improvement made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the House of Representatives, No. 132, entitled a bill relating to certain water power therein named, and sundry instructions, have had the same under consideration and directed me to report that in the opinion of said committee the 23d section of the act enti-

tled an act to provide for a general system of internal improvements approved January 27, 1836, affords all the guaranty for privileges such as are asked by said bill as are consistent with the interests of the state.

By an examination of the rates of leasing water power in other portions of the United States, we find the following facts.

In Ohio at large towns on the canal, the rates per run of stones, is

|  |          |
|--|----------|
| In Indiana, do do  | \$150 00 |
| In Ohio and Indiana out of the large towns, \$100 to 125 00 per ann. | 150 00   |
| At Cincinnati, the state leases at                                   | 250 00 " |
| At Lowell, Mass. on Merrimack river,                                 | 97 80 "  |
| At Cohoes, near Albany, New-York,                                    | 189 00 " |
| At Patterson, New-Jersey,  | 399 00 " |
| At Mannyunk, near Philadelphia,                                      | 555 40 " |
| Average of the whole, exclusive of Indiana,                          | 248 74 " |

In this state there has been leased at Indianapolis, Lawrenceburgh, Harrison, and Peru, a total amount of power equal to 30 run of stones, at \$150 per year for each run. To reduce the power at other points would do injustice to those who have already leased. The board of internal improvement finds no difficulty in leasing water power at those rates as fast as the improvement of the country will justify the investment of capital. At Lafayette, the board ask \$150, believing it to be as valuable there as at any other point. At Delphi, they ask \$125, the site being a mile from the canal, and therefore less valuable.

The board have lately received a proposition for four run of stones at Lafayette at their minimum price of \$150, and feel assured that they shall be able to dispose of a considerable amount of power at that point, as soon as they can purchase the necessary ground. The reason why the water power has not been taken is, that the country is new and has mills on Deer creek. As soon as the canal is open to the lake it will be occupied at present prices.

Your committee therefore believe, that it would be impolitic at this time to sanction the passage of such a bill as above referred to. They therefore return the same back to the Senate with all the instructions sent to them and recommend the indefinite postponement thereof.

And said report was concurred in,

And the bill indefinitely postponed.

Mr. Arion, from the committee on the State Bank, made the following report:

MR. PRESIDENT—

The majority of the committee on the State Bank to whom was referred a resolution of the Senate, relative to the payment of the several amounts due from the state to the branches of the states bank of Indiana, have had that subject under consideration and directed me to report:



That this debt seems mainly to have been accumulating during the years 1838 and 1839, from deficiencies in the payments of the Fund Commissioners, for the disbursements the Branches in the payment of contractors in the progress of the public works.

The agency of the Branches in disbursing their funds, without the loss of a dollar to the state, at their own expense and risk on the lines of the public works, 60 days prior to receiving the same at the east, has facilitated the payment of the contractors, with convenience to them and safety to the state. The delay of the state to liquidate the said debt, which is now computed at about \$650,000, tends very much to cripple said Branches in extending the means of business in the state, and in meeting all the demands for the redemption of their circulation.

Therefore a majority of your committee, thinking that the earliest payment of the said debt, (after duly providing for the debt due to the contractors on the public works,) should be made by the state. To effect that object, as far as may be at this time practicable, have directed me to report the accompanying bill, and recommend its passage.

Said bill entitled,

No. 154, "a bill to provide for the payment of the debt of the State to the Branches of the Bank of Indiana, was read a first and second times;

Mr. Lowe moved to amend said bill as follows: Strike out that portion of the proviso, viz: "or until the said Branches shall receive any securities which may be offered on such contract in liquidation and satisfaction to the amount thereof of the debt of the state."

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Carr, Chamberlain, Cravens, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Smiley, Thompson, Watts and Wright—15.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Herriott, Lane, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt, and Williams—30.

So said amendment did not prevail.

Mr. Armstrong moved to amend said bill as follows:

So much of any act heretofore passed, as authorizes the President of the State Bank or other person, to negotiate loans for the increase of the capital of said State Bank be, and the same is hereby repealed: *Provided*, That the amount of state bonds heretofore sold by the President of the State Bank for the increase of the capital may be appli-

ed to the discharge of the debt now due to said bank and branches for advances made to the state and paid out for work heretofore done on the internal improvements of the State.

Mr. Watts moved to amend said amendment as follows:

*Provided further*, That in no case hereafter shall the State Bank of Indiana advance money to the board of internal improvement, for the prosecution of the public works, and withdraw the same from the regular business of the country, without legislative enactment to that effect;

Which amendment to the amendment was accepted by Mr. Armstrong.

The question recurring on the adoption of said amendment,

Mr. Watts asked leave to withdraw his amendment to the amendment; which leave was not granted.

The question again being on the adoption of Mr. Armstrong's amendment,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Carr, Cathcart, Chamberlain, Cravens, Finch, Green, Hackett, Hargrove, Kinzer, Smiley, Thompson, Watts, and Wright—14.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. J., Beard of Montgomery, Bell, Berry, Blair, Bowen, Brady, Carnan, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Herriott, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt, and Williams—31.

So said amendment did not prevail.

Mr. Watts proposed to offer the same amendment which he had offered to Mr. Armstrong's amendment, as a further amendment of said bill.

The president decided said amendment to be out of order, as being the same that had just been voted down, as attached to the amendment of Mr. Armstrong.

Mr. Cravens appealed from said decision of the president.

The question being—"Is the decision of the president correct?"

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Carnan, Carr, Cathcart, Clark, Elliott, Ewing of Cass, Green, Herriott, Lane, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, and Watt—27.



*Those who voted in the negative were,*

Messrs. Armstrong, Bowen, Brady, Chamberlain, Cravens, Dobson, Ewing of Allen, Finch, Hackett, Hargrove, Kinzer, Lowe, Nickel, Smiley, Thompson, Watts, and Williams—16.

So said question was decided in the affirmative,

And the decision of the president was sustained.

Mr. Armstrong moved to amend said bill as follows:

*Provided,* That nothing in this act shall be construed as an additional appropriation to the system of internal improvement, and that hereafter the state bank of Indiana, or any of its branches, shall not in any case advance money to the board of internal improvement for the prosecution of the public works, thereby withdrawing the same from the regular business of the country, without legislative enactment to that effect.

Mr. Ewing of Allen, moved to amend said amendment as follows:

And shall not advance money to foreign corporations;

Which amendment to the amendment was adopted.

Mr. Beard of M., moved to strike out so much of said amendment as reads as follows:

*Provided,* That nothing in this act shall be construed as an additional appropriation to the system of internal improvement.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St., J. Beard of M., Bell, Berry, Bowen, Brady, Carnan, Dobson, Elliott, Ewing of Allen, Herriott, Kennedy, Moffatt, Mount, Smith, Stafford, Tannehill, Watt, and Williams—21.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Chamberlain, Clark, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Thompson, Tuley, Watts, and Wright—24.

So said words were not stricken out, and

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Messrs. Ewing and Blair, from the committee on free conference, made the following report:

MR. PRESIDENT:

The committee of free conference appointed on the part of the Senate to act with a similar committee on the part of the House of Representatives, for the purpose of taking into consideration the dis-

agreement of the two houses in relation to the bill No. 94, entitled an act for the relief of Phebe Clymer, beg leave to report, that they have corresponded with the committee of the House, and at the urgent request of that committee, your committee did consent to the sum by them proposed, namely, \$250 00.

In which amendment of said committee of free conference the concurrence of the Senate is most respectfully requested.

Which report was concurred in.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have concurred in the report of the committee of free conference appointed to take into consideration the disagreement of the two Houses upon the amendment made by the House to bill of the Senate,

No. 94, an act for the relief of Phebe Clymer.

The Senate took up the orders of the day.

Bill of the Senate No. 179, a bill concerning the tax imposed upon the land of residents in the county of Pike, for the purpose of opening and repairing roads and highways was read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Bill of the Senate, No. 137, a bill requiring the collection of the remaining state revenue, due from Cass county for the year 1839, was read a third time.

Mr. Ewing of Cass moved to refer said bill to the committee on the judiciary.

Mr. Stephenson moved to amend the motion to commit, by adding the following instructions:

That the judiciary committee be instructed to inquire whether the bill is a violation of the of the 19th section of the 3d article, and the 18th section of the 1st article of the constitution of Indiana.

And said bill was committed to the committee on the judiciary.

On motion of Mr. Armstrong, the following additional instructions were sent to said committee:

That the committee inquire into the expediency of providing, that the board doing county business for the county of Cass, shall, at their May session, next after the passage of this act, levy an amount on the taxable property in said county, equal and sufficient to make up the deficiency of revenue from said county for the year 1839, so that the amount of tax from said county for the year 1839, shall be made equivalent to the tax as authorized by the revenue act of last year.

On motion of Mr. Ewing of Cass, the bill of the Senate entitled,

No. 107, a bill providing for the selecting, rating and selling lands yet due on the Wabash and Erie canal, east of the mouth of Tippecanoe river, and for other purposes, was taken up.

Mr. Stephenson moved to amend said bill as follows:

Strike out five dollars and insert seven dollars;



Strike out three dollars and insert five dollars;  
Strike out two dollars and insert three dollars, as the minimum price of said lands.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Carnan, Carr, Clark, Cravens, Dobson, Finch, Hackett, Hargrove, Herriott, Kennedy, Lowe, Moffatt Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams, and Wright—35.

*Those who voted in the negative were,*

Messrs. Cathcart, Chamberlain, Ewing of Cass, Ewing of Allen, Kinzer, Lane, and Smiley—7.

And so said amendment was adopted.

Mr. Lowe moved to strike out so much of said bill as relates to the issuing of scrip or treasury notes.

Mr. Ewing of Cass moved to modify said motion, so as to strike out only treasury notes.

The question being on Mr. Ewing's amendment to the amendment;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Bell, Blair, Bowen, Brady, Carnan, Cathcart, Clark, Cravens, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Moffatt, Nave, Nickel, Riley, Smiley, Smith, Tuley, Watt, Watts, Williams and Wright—27.

*Those who voted in the negative were,*

Messrs. Angle, Beard of M., Carr, Chamberlain, Dobson, Elliott, Herriott, Lane, Lowe, Morgan, Mount, Stafford, Stephenson, Tannehill and Thompson—15.

And so said 7th section was so amended as to strike out treasury notes;

The question then recurred on the motion of Mr. Lowe, to strike out so much of said bill as relates to the issuing of scrip;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Bell, Brady, Carr, Elliott, Hackett, Hargrove, Herriott, Kennedy, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley and Watts—24.

*Those who voted in the negative were,*

Messrs. Beard of M., Blair, Bowen, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Kinzer, Lane, Moffatt, Smiley, Watt, Williams and Wright—20.

And so said bill was so amended.

Mr. Bowen moved to re-commit said bill to a select committee.

Mr. Armstrong moved to lay said bill upon the table;

Which motion did not prevail.

The question being on recommitting to a select committee, it was decided in the affirmative.

*Ordered,* That said select committee consist of Messrs. Bowen, Carnan, Watts and Blair.

Mr. Ewing of Cass moved that the Senate take up the message of the House of Representatives on the subject of removing the bank directors, &c.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. J., Blair, Carnan, Carr, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hackett, Hargrove, Lane, Lowe, Moffatt, Nave, Riley, Smiley, Stafford, Williams and Wright—24.

*Those who voted in the negative were,*

Messrs. Beard of M., Bell, Bowen, Brady, Cathcart, Cravens, Green, Herriott, Kinzer, Morgan, Mount, Nickel, Smith, Stephenson, Tannehill, Thompson, Tuley, Watt and Watts—19.

And so said message was taken up.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed joint resolution thereof as follows, to wit:

No. 277, a joint resolution in relation to Samuel Merrill, Calvin Fletcher and Robert Morrison.

In which the concurrence of the Senate is respectfully requested.

Said joint resolution was read a first time.

Mr. Ewing of Cass moved that the rules of the Senate be suspended and that said joint resolution be read a second time now.



The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills of the Senate, as follows, to wit:

No. 105, an act to amend an act entitled an act to incorporate the Western literary Society of the Wabash college in Montgomery county, approved Feb. 7, 1835;

No. 116, an act to incorporate the Livonia Guards;

No. 121, an act to amend an act entitled an act to incorporate the Perrysville and Danville rail road company, approved Jan. 26, 1836;

Also enrolled bills of the House as follows, to wit:

No. 171, an act concerning the duties of the school commissioner of Crawford county;

No. 201, an act for the relocation of the seat of justice of the county of Lake;

No. 266, an act for the relief of the collector of Lake county;

No. 268, an act to authorize Absalom Frasier to sell and convey a part of the public square in the town of New Washington; and,

No. 304, an act declaring a part of Salt creek a public highway;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

Mr. Tuley, from the committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills, have compared the following enrolled with the engrossed bills which originated in the Senate, and find the same truly enrolled, to wit:

No. 105, an act to amend an act entitled an act to incorporate the Western literary society of the Wabash college in the county of Montgomery, approved Feb. 7, 1835;

No. 116, an act to incorporate the Livonia Guards;

No. 121, an act to amend an act entitled an act to incorporate the Perrysville and Danville rail road company;

No. 304 of the House, an act declaring a part of Salt creek a public highway;

No. 266 of the House, an act for the relief of the collector of Lake county;

No. 171 of the House, an act concerning the duties of the school commissioner of Crawford county;

No. 201 of the House, an act to re-locate the seat of justice of Lake county;

No. 268 of the House, an act to authorize Absalom Frazier to sell

and convey a part of the public square in the town of New Washington;

Mr. Tuley, from the committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills, and find the same truly enrolled, being bills of the House;

No. 225, an act to authorize certain individuals therein named to build a toll bridge across the Kankakee river at Sherwood's ferry in Porter county;

No. 264, an act to authorize the removal of the obstructions to the free passage of the water down Little blue river in Rush and Shelby counties;

No. 229, an act to provide for the election of a justice of the peace in Alquina, Fayette county;

No. 227, an act to provide for a more uniform mode of doing township business in the county of Cass;

No. 218, an act to authorize the election of an additional justice of the peace in the township of Orange, Noble county;

No. 220, an act to make allowances to supervisors for extra services in the county of Boone;

No. 194, an act for the relief of the collector of the county of Orange;

No. 144, an act to incorporate the Point Commerce manufacturing and trading company and for other purposes;

No. 200, an act to provide for the erection of two bridges in the county of Orange and for other purposes.

Mr. Tuley from the committee on enrolled bills reports:

Mr. President—

The joint committee on enrolled bills have presented to his Excellency the Governor, for his approval and signature the following bills which originated in the Senate:

No. 105, an act to amend an act entitled an act to incorporate the Western Literary society, of the Wabash college in the county of Montgomery, approved Feb. 7, 1835;

No. 116, an act to incorporate the Livonia Guards;

No. 121, an act to amend an act entitled an act to incorporate the Perrysville and Danville rail road company.

And on motion, the Senate adjourned.



## FRIDAY MORNING, FEB. 14.

The Senate assembled.

While the journal was being read,

Mr. Armstrong moved that the journals of yesterday be corrected on 13th page as follows:

Mr. Watts moved to amend the bill as follows:

*Provided further*, That in no case hereafter shall the State Bank of Indiana advance money to the board of internal improvement for the prosecution of the public works, and withdraw the same from the regular business of the country, without legislative enactment.

The President decided the motion out of order, the same matter having been previously voted on in connection with other matter;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Cravens, Elliott, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Stephenson, Thompson and Watts—23.

*Those who voted in the negative were,*

Messrs. Arion, Beard of M., Bell, Berry, Blair, Clark, Dobson, Ewing of Cass, Lane, Stafford, Tannehill, Tuley, Watt and Wright—14.

And so said journals were so corrected, and that the entry be considered as said correction.

Mr. Baird of St. Joseph, having obtained leave, introduced this following resolution:

*Resolved*, That the President of the State Bank be requested to transmit to this Senate as soon as practicable, the result of the late examination of the affairs of said State Bank by the committee of which Mr. Buel was chairman; and also whether any measures were taken in relation to the recent alleged suspension, together with any other matter relating to said State Bank and its affairs and officers. Said President is also requested to furnish this Senate the ayes and noes upon any measure adopted by said board at their last meeting.

Mr. Kennedy moved to strike out the word "alleged" in relation to the suspension of said bank;

Which motion did not prevail.

Mr. Dobson moved to amend said resolution as follows:

Further to state whether information has been received by the State Board since 1837, that the branches have at any time refused to meet any large calls upon them for specie; if so, what action has been had upon that subject by the State Board;

Which amendment was adopted.

On motion of Mr. Wright, said resolution was further amended as follows:

And whether there is any resolution or order on the books of said bank on the subject of the advances to the board of internal improvement by the branches of said bank, and if not, to state how it comes that so large an amount of money was advanced for internal improvement purposes, and whether the President or any of the state directors consented to said advances by the bank or any of its branches for the purposes of internal improvements, and what amount of said advances was made after the issuing of the notice by the president of the board of internal improvements, that no funds was on hand or could be obtained for the further prosecution of the public works, issued in August last; and whether there is not an order of said state board made at the February term, 1840, rescinding an order on that subject, if so, to give us a copy of the order of February term, 1840, and of the order or orders rescinded on the subject of making advances for the public works.

And said resolution as amended was adopted.

On motion of Mr. Ewing of Cass,

*Resolved*, That the President of the State Bank be requested to inform the Senate whether the branch banks have not in the last 18 months, furnished and advanced to foreign corporations some two or three hundred thousand dollars, and whether at the same time said money was not wanted, and the loan thereof solicited by the citizens of this state and refused to them? and further to specify the amount advanced by each branch in any manner, either direct or indirect, to foreign corporations to speculate on, or to persons not citizens of this state; and whether any of the stock or interest in said corporations belonged to British subjects, or persons not citizens of the U. States; also whether or not the banks have refused to loan to our own citizens, even small sums of money, at the same time that their ability to pay was not doubted, and giving as their reason for such refusal that they had not funds on hand to loan, at the same time they were making large advances as above stated to foreign corporations, and non-resident speculators; also whether the banks have not during the late period of extraordinary pecuniary embarrassment and distress, dealt largely in exchanges, whereby they put large amounts of the circulating medium out of the reach of our own citizens, by which speculative policy they force our merchants and traders to purchase the exchange from them at their own prices.

On motion of Mr. Tuley,

*Resolved*, That the Fund Commissioners report immediately to the Senate the amount of the indebtedness of James B. Johnson, late a member of the board of internal improvements, for which he has not furnished sufficient and formal vouchers to said board of Fund Commissioners.

And, on motion, the Senate adjourned.



2 o'clock, P. M.

The Senate assembled.

Mr. Lane moved that the rules or the Senate be suspended and the joint resolution on the subject of the removal from office of Samuel Merrill, Calvin Fletcher and Robert Morrison be taken up;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Bowen, Brady, Carnan, Cravens, Elliott, Ewing of Allen, Herriott, Kinzer, Lane, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watt, Watts and Williams—28.

*Those who voted in the negative were,*

Messrs. Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Finch, Hackett, Hargrove, Lowe, Nickel, Smiley, Tuley and Wright—13.

And so said joint resolution was taken up.

Mr. Stephenson moved that said joint resolution be indefinitely postponed;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Cathcart, Clark, Elliott, Ewing of Allen, Herriott, Lane, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Watt and Williams—27.

*Those who voted in the negative were,*

Messrs. Armstrong, Carr, Chamberlain, Cravens, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Nickel, Smiley, Tannehill, Thompson, Tuley, Watts, and Wright—20.

And so said joint resolution was indefinitely postponed.

Mr. Cathcart having obtained leave introduced a bill entitled,

No. 155, a bill in relation to such writs as may have issued or shall issue from the clerk's office of the circuit court in Laporte, Porter and Lake counties;

Which was read a first, second and third times and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Bowen, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the Senate No. 107, entitled a bill for selecting, rating and selling lands yet due on the Wabash and Erie canal east of the mouth of the Tippecanoe river and for other purposes, have had the same under consideration, and have directed me to report it back to the Senate with one amendment, that is to strike the bill out from the enacting clause and insert the following, in which they most respectfully ask the concurrence of the Senate.

Mr. Ewing of Cass moved to amend the amendment of the select committee as follows:

*Provided*, That actual settlers who have been living on said lands, (hereby authorized to be selected) one year or more prior to the day of sale, and who have made valuable improvements thereon, may be allowed to enter such tract or tracts, including his, her or their said improvements, not exceeding in all 160 acres of land, at the prices and upon the conditions as provided by this bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Berry, Carnan, Carr, Cathcart, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hackett, Lane, Smiley, Stafford, Tuley, Watt, Williams and Wright—20.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Blair, Bowen, Brady, Cravens, Green, Herriott, Kennedy, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stephenson, Tannehill, Thompson, and Watts—23.

And so said amendment to the amendment was not adopted.

Mr. Elliott moved to amend said amendment of said committee by striking out so much thereof as provides for the issue of scrip.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Bell, Berry, Brady, Carr, Elliott, Green, Hackett, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smith, Stafford, Tannehill, Thompson, and Watts—20.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. J., Beard of M., Blair, Bowen, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass—



Ewing of Allen, Finch, Lane, Moffatt, Smiley, Stephenson, Tuley, Watt, Williams, and Wright—23.

So said amendment to the amendment did not prevail.

Mr. Tuley moved to amend the 7th section by adding thereto the following proviso:

*Provided further*, That the amount of said scrip shall not exceed one-fourth of the valuation of said land;

Which amendment was adopted.

Mr. Kennedy moved to amend said bill as follows:

And that the provisions of this bill, so far as issuing scrip is concerned, shall be extended to the issue of a sufficient amount of scrip to finish the Whitewater canal; said scrip to be issued and redeemed in funds arising from the sale of lands belonging to said canal.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Carr, Clark, Kennedy, Mount, Smith, and Tannehill—7.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Kinzer, Lane, Moffatt, Morgan, Nave, Nickel, Smiley, Stafford, Stephenson, Tuley, Watt, Watts, Williams, and Wright—33.

So said amendment was not adopted.

Mr. Smith moved to concur in the amendment of the committee, with the following amendment:

That as soon as the fund commissioners shall be able to procure funds for the further prosecution of the public works, after means shall have been obtained sufficient to redeem the treasury notes authorized to be issued for the relief of contractors at a par rate, it shall be the duty of the board of internal improvement to concentrate the future expenditures on such works, not exceeding four, including the Wabash and Erie canal, as will, in their opinion, best subserve the public interest when completed, and be most likely to yield the greatest amount of revenue to the state, in proportion to the cost thereof, at the earliest day.

The Board shall be authorized to cause to be put in a state of preservation such portions of the work done on other parts of the public works as may be likely to go to destruction.

That said board shall not cause any further work to be done on any of the lines of improvement not selected to be first completed as provided in the first section of this act, except as provided in the second section, nor cause payment to be made to any contractor or contractors on such suspended lines for the work now done, unless releases further to prosecute their contracts shall be given.

That the money heretofore appropriated by law to the improvement of the Grand Rapids of the Wabash river, shall be applied by the board of internal improvement as soon as practicable.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Brady, Carnan, Elliott, Herriott, Kennedy, Lowe, Mount, Nave, Nickel, Riley, Smith, Tannehill, Watt, and Williams—16.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Green, Hackett, Hargrove, Kinzer, Lane, Moffatt, Morgan, Smiley, Stafford, Stephenson, Thompson, Tuley, Watts, and Wright—28.

So said report was not concurred in with said amendment.

The question recurring on concurring in said report;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Blair, Bowen, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Herriott, Lane, Moffatt, Riley, Smiley, Stephenson, Tuley, Williams, and Wright—23.

*Those who voted in the negative were,*

Messrs. Bell, Berry, Brady, Carr, Elliott, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smith, Stafford, Tannehill Thompson, Watt, and Watts—21.

And said report and amendment of the committee were concurred in.

Mr. Ewing of Cass moved that the rules of the Senate be suspended, and that the bill be read a third time now.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hargrove, Herriott, Lane, Moffatt, Riley, Smiley, Smith, Stafford, Stephenson, Tuley, Watt, Williams, and Wright—31.



*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Brady, Carr, Hackett, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Tannehill, and Watts—14.

So said rules were suspended, and the bill read a third time.

The question being on the passage of said bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. J., Beard of M., Blair, Bowen, Carnan, Cathcart, Chamberlain, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Herriott, Lane, Moffatt, Riley, Smiley, Stephenson, Tuley, Williams, and Wright—24.

*Those who voted in the negative were,*

Messrs. Armstrong, Bell, Berry, Brady, Carr, Elliott, Green, Hackett, Hargrove, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Smith, Stafford, Tannehill, Thompson, Watt, and Watts—22.

So said bill passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Thompson, chairman of the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee, to whom was re-committed a bill to amend the several acts regulating the taking up of animals going astray, and watercrafts and other articles of value adrift, have made one amendment, to wit:

Add to the second section the following: "nor shall it be necessary to publish in any newspaper the taking up and posting any water crafts or other articles of value adrift;

To which the concurrence of the Senate is requested.

Which report and amendment were concurred in, and the bill read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Chamberlain, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the House entitled, a bill to amend an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838, have had that subject under consideration, and directed me to report the same back to the Senate, without amendment, and recommend its passage.

And said bill was read a third time and passed.

Mr. Thompson, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill No. 76, entitled a bill to increase the per diem allowance of witnesses have, after due consideration, made one amendment, to wit: strike out the bill and insert the following bill entitled a bill to increase the per diem allowance to witnesses, and for other purposes.

Mr. Bell moved to strike out so much of said bill as refers to state prosecutions and state witnesses.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carr, Ewing of Allen, Hackett, Hargrove, Kennedy, Moffatt, Mount, and Watts—17.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Chamberlain, Dobson, Elliott, Green, Herriott, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Smiley, Smith, Stafford, Tannehill, Thompson, Watt, Williams and Wright—20.

So said amendment did not prevail.

Mr. Ewing of Allen, moved to lay said bill upon the table, which motion did not prevail.

Mr. Moffatt moved that said bill be indefinitely postponed.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Beard of M., Bell, Berry, Bowen, Carr, Clark, Elliott, Ewing of Cass, Ewing of Allen, Hackett, Hargrove, Kennedy, Lane, Moffatt, Morgan, Mount, Tannehill, Tuley, and Watt—21.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Blair, Chamberlain, Dobson, Green, Herriott, Kinzer, Lowe, Nave, Nickel, Riley, Smiley, Smith, Stafford, Thompson, Watts, Williams and Wright—18.

So said bill was indefinitely postponed.

The following message was received from the Governor by Mr. Moore, his private secretary:

Mr. PRESIDENT—

I am directed by the Governor to inform the Senate that on yesterday he approved and signed bills of the titles following, to-wit:



An act to incorporate the Livonia Guards;

An act to amend an act entitled, an act to incorporate the Western Literary Society of the Wabash College in the county of Montgomery, approved Feb. 7, 1835;

An act to amend an act entitled an act to incorporate the Perrysville and Danville Rail Road Company, approved January 26, 1836;

All of which originated in the Senate.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills thereof, as follows:

No. 44, an act to incorporate the Point Commerce Manufacturing and Trading Company, and for other purposes;

No. 194, an act for the relief of the collector of the county of Orange;

No. 200, an act to provide for the erection of two bridges in the county of Orange, and for other purposes;

No. 218, an act to authorize the election of an additional justice of the peace in the township of Orange, Noble county;

No. 220, an act to make allowances to supervisors for extra services in the county of Boone;

No. 227, an act to provide for a more uniform mode of doing township business in the county of Cass;

No. 229, an act to provide for the election of a justice of the peace in Alquina, Fayette county;

No. 225, an act to authorize certain individuals therein named to build a toll bridge across the Kankakee river at Sherwood's ferry in Porter county;

No. 264, An act to authorize the removal of the obstructions to the free passage of the water down Little Blue River in Rush and Shelby counties.

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

Mr. Tuley, from the committee on enrolled bills, reported:

Mr. President—

The joint committee on enrolled bills, have compared the following enrolled with the engrossed bills of the Senate, and find the same truly enrolled, to-wit:

No. 140, an act to change the name of Jacob Henry Hornburg;

No. 141, an act to authorize the election of a justice of the peace and a constable in the town of New-Trenton, in the county of Franklin;

No. 94, an act for the relief of Phebe Clymer;

No. 142, an act to change the route of the New-Albany and Princeton state road within the limits of Levenworth, Crawford county;

No. 294, an act to provide for the summoning and empanneling jurors in the county of Delaware;

No. 199, an act to provide for the reappraisal of school sections in Lake and Owen counties;

No. 143, a joint resolution relative to the two White rivers in Indiana;

No. 306, an act to change the time of holding courts in the eleventh judicial circuit;

No. 192, an act to declare main Flat Rock and big Blue River public highways, in the counties of Henry and Shelby;

No. 118, an act to incorporate the Anderson River Bridge company;

No. 292, of the House, an act to amend an act entitled an act to incorporate the mayor and common council of the town of Delphi;

No. 257, an act to amend an act entitled an act to regulate the mode of doing county business in the several counties of this state, approved February 17th, 1838;

No. 210, an act changing the time of holding commissioners' courts in the county of Floyd;

No. 226, an act to declare a misprint and for other purposes;

No. 164, an act relative to the purchase of a fire engine in the town of Jeffersonville;

No. 308, an act for the relief of Peter Hussey;

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills of the Senate as follows.

No. 94, an act for the relief of Phebe Clymer;

No. 140, an act to authorize the election of a justice of the peace and a constable in the town of New Trenton in the county of Franklin;

No. 241, an act to change the name of Jacob Henry Hamburg;

No. 142, an act to change the route of the New Albany and Princeton state road within the limits of Levenworth, Crawford county, &c.

Also enrolled bills of the House of Representatives, as follows:

No. 118, an act to incorporate the Anderson river bridge company;

No. 164, An act relative to the purchase of a fire engine in the town of Jeffersonville;

No. 192, An act declaring main Flat Rock and Big Blue rivers public highways in the counties of Henry and Shelby;

No. 199, an act to provide for the reappraisal of school sections in Lake and Owen counties;

No. 210, an act to change the time of holding commissioners' courts in the county of Floyd;



No. 256, an act declaring a misprint and for other purposes;

No. 257, an act to amend an act entitled an act to regulate the mode of doing business in the several counties in this state, approved Feb. 17, 1833;

No. 292, An act to amend an act entitled an act to incorporate the mayor and common council of the town of Delphi;

No. 294, an act to provide for the summoning and empanneling jurors in the county of Delaware;

No. 306, an act to change the times of holding courts in the several counties of the eleventh judicial circuit;

No. 308, An act for the relief Peter Hussey;

Also an enrolled joint resolution of the House of Representatives,

No. 143, a joint resolution relative to the two White rivers in Indiana;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills,

And on motion the Senate adjourned.

#### SATURDDAY MORNING, FEB. 15.

The Senate assembled.

Mr. Thompson, having obtained leave, introduced a bill, entitled, No. 156, a bill to amend an act to incorporate the town of Rome in Perry county;

Which was read a first and second times, and referred to the judiciary committee.

Mr. Williams, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the House No. 84, to incorporate the city of Richmond in Wayne county, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Mr. Chamberlain moved to amend said bill in the 8th section, by

striking out so much thereof as imposes a penalty upon persons refusing to accept offices under the provisions of said act;

Which motion did not prevail.

Mr. Chamberlain moved to amend the 15th section of said bill by striking out the four first lines thereof, as follows: "the mayor so elected and qualified shall have the same jurisdiction and power in both civil and criminal cases in the county Wayne, which justices of the peace have in their respective townships."

Mr. Bell moved to amend said section of said bill by striking out the words "in the county of Wayne;"

Which motion prevailed, and said words were stricken out.

Mr. Kennedy moved to insert in such blank the words "within the corporation;"

Which motion prevailed, and said words were inserted.

Mr. Dobson moved to amend said section by striking out so much thereof as gives civil jurisdiction to said mayor;

Which motion did not prevail.

Mr. Chamberlain moved to amend the 30th section of said bill by striking out the words "exclusive right" in relation to granting license to vend spiritous liquors.

Which motion did not prevail.

Mr. Tuley moved to re-commit said bill to the judiciary committee;

Which motion did not prevail.

On motion of Mr. Chamberlain, the 31st section of said bill was amended by striking out the word "forever."

Mr. Chamberlain moved to amend the 42d section of said bill by striking out the word "noise" in the 4th clause thereof;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Beard of M., Berry, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nave, Nickel, Smiley, Smith, Tannehill, Thompson, Tuley and Wright—26.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Bell, Blair, Bowen, Brady, Clark, Finch, Herriott, Moffatt, Morgan, Mount, Riley, Stafford, Watt, Watts and Williams—18.

So said word was stricken out.

Mr. Chamberlain moved to strike out in 16th clause in said 42d section, the words "rolling of hoops;"

Which motion prevailed.

On motion of Mr. Thompson, said bill was re-committed to the committee on corporations.



Mr. Brady, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred an engrossed bill of the House, entitled an act to amend an act entitled an act to incorporate the town of Indianapolis, approved Feb. 17, 1838, have according to order had the same under consideration and have made one amendment thereto; in which the concurrence of the Senate is requested;

Which amendment was concurred in.

Mr. Tuley moved to amend said bill as follows:

*Provided*, nothing in this act shall be so construed as to affect the sale of goods, wares or merchandise being sold at a regularly licensed auction room by any auctioneer of said city, so licensed as aforesaid;

Which was accepted by Mr. Brady.

And the bill was read a third time and passed.

Mr. Nave, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred an engrossed bill of the House of Representatives No. 153, to incorporate the White Lick commercial company, have had the same under consideration and directed me to report the same back to the Senate with two amendments; in which amendments the concurrence of the Senate is respectfully requested.

Said amendments were concurred in;

And the bill read a third time and passed.

Mr. Ewing of Allen, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the House of Representatives No. 207, entitled an act to incorporate the Deerfield, Albany and Marion turnpike company, have had the same under consideration and directed me to report the same back to the Senate without amendment and recommend its passage.

And the question being on concurring in said report,

Mr. Kennedy moved to amend said bill so as to make said charter repealable by a majority of the legislature;

Which motion prevailed.

And said bill was so amended, the report of the committee concurred in, and the bill read a third time and passed.

Mr. Ewing of Cass, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The standing committee on corporations to whom was referred the petition of sundry citizens of Cass county, praying that an act of incorporation to incorporate the Logansport Trading and Manufacturing Company might be passed, have had that subject under consideration, and directed me to report back the bill which accompanied the petition, and to recommend the passage of the bill.

Said bill entitled No. 156, a bill to incorporate the Logansport Trading and manufacturing company, was read a first and second times.

Mr. Ewing of Allen moved that said bill be amended as follows:

That said corporation shall not hold real estate further than may be necessary for manufacturing purposes, at no time exceeding thirty-five thousand dollars worth.

Mr. Chamberlain moved to amend said amendment by adding thereto the following:

Nor acquire the same for the purposes of speculation by the sale thereof.

During the pendency of which question,

On motion, the senate adjourned.

2 o'clock P. M.

The Senate assembled.

On motion of Mr. Baird of St. Joseph, the bill of the Senate, entitled No. 92, a bill to authorize the school commissioner of the county of St. Joseph, to hold the appointment of county treasurer, was taken up, read a second and third times and passed.

Mr. Beard of M., moved to suspend the rules and take up the bill on the subject of the surplus revenue;

Which motion prevailed, and said bill was taken up.

On motion of Mr. Beard of M., the Senate resolved itself into a committee of the whole on said bill, Mr. Beard of M. in the chair.

After some time spent therein, the committee rose and reported sundry amendments, and asked the concurrence of the Senate therein:

Which amendments were concurred in.

Mr. Brady moved to amend said bill, so that said agents shall serve two years;

Which amendment did not prevail, and said bill was read a third time and passed.

Mr. Thompson moved to take up bills on the second reading;

Which motion prevailed, and said bills were taken up.

The bill of the Senate entitled

No. 71, a bill to amend an act entitled an act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1st, 1838, was read a second and third times and passed.



*Ordered*, That the House of Representatives be informed thereof.  
The bill of the House of Representatives, entitled,  
No. 1, a bill to abolish imprisonment for debt, was read a second time.

Mr. Dobson moved to refer said bill to the judiciary committee.

Mr. Lane moved to lay said bill upon the table;

Which motion did not prevail.

The question recurring on referring said bill to the judiciary committee,

Mr. Moffatt moved to refer the same to a select committee.

Mr. Lane moved to indefinitely postpone said bill.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Bowen, Carnan, Cravens, Hargrove, Kennedy, Kinzer, Lane, Morgan, Riley, Tuley, and Watt—12.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Brady, Carr, Cathcart, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hackett, Herriott, Lowe, Moffatt, Mount, Nave, Nickel, Smiley, Stafford, Stephenson, Tannehill, Thompson, Watts, Williams, and Wright—31.

So said bill was not indefinitely postponed.

The question being on committing, said bill was committed to the committee on the judiciary.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills thereof as follows, to wit:

No. 9, an act to charter the Evansville Rifle Rangers,

No. 82, an act to amend an act entitled an act to incorporate the Lawrenceburgh Bridge company, approved January 24, 1837,

No. 97, an act to incorporate the town of Noblesville in the county of Hamilton, Indiana,

No. 155, an act to incorporate the Walnut Ridge Cemetery,

No. 182, an act to legalize certain proceedings of the board doing county business in Wabash county,

No. 202, an act to incorporate the Washington Band of Musicians,

No. 211, an act to provide for the election of an additional justice of the peace and constable in Morgan township, in Harrison county,

No. 214, an act to legalize the proceedings of certain justices of the peace in Clay county, and for other purposes,

No. 251, an act for the relief of the widow, heirs and administrators of William Watts, deceased,

I am directed to bring the same to the Senate for the signature of the President thereof;

And the President of the Senate signed said bills.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed the following enrolled bills thereof:

No. 7, an act prescribing a uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a standard bushel in this state,

No. 62, an act to amend an act entitled, an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838,

No. 64, an act to amend an act entitled, an act for the protection of the Madison and Indianapolis Rail Road, approved Feb. 14, 1839,

No. 88, an act to enlarge the powers of the probate court of Marion county, in a certain case therein named,

No. 101, an act to locate a state road therein named,

No. 133, an act to amend an act entitled an act to incorporate the town of Vevay, approved January 30th, 1836;

No. 135, an act to authorize the circuit court of the county of Cass to change the venue in a certain case therein named;

No. 140, an act authorizing Daniel M. Ingersoll and James Jess up to build a mill dam across Eel river in Green county;

No. 146, an act to encourage the raising of sheep and hogs, and to increase the revenue of the state and the wealth of the people;

No. 195, an act to incorporate the Wabash Fire company;

No. 250, an act to repeal an act entitled an act to locate a state road from New-Albany in Floyd county to Charleston in Clark county, approved Feb. 12, 1839;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House and find the same truly enrolled, to-wit:

No. 7, an act to provide for an uniform mode of ascertaining by weight the quantity of grain that shall pass for a standard bushel, in this state;

No. 62, an act to amend an act entitled an act providing a more



uniform mode of doing township business, in the several counties therein named, approved February 17, 1838;

No. 64, an act to amend an act entitled an act for the protection of the Madison and Indianapolis rail road, &c. approved 14th February, 1839;

No. 88, an act to enlarge the powers of the probate court of Marion county in a certain case therein named;

No. 250, an act to repeal an act entitled an act to locate a state road from New Albany in Floyd county to Charlestown in Clark county, approved February 12th, 1839;

No. 140, an act authorizing Daniel M. Ingersoll and James Jessup to build a mill dam across Eel river in Green county;

No. 101, an act to establish a state road therein named;

No. 146, an act to incourage the raising of sheep and hogs and to increase the revenue of the state and the wealth of the people;

No. 133, an act to amend an act entitled an act to incorporate the town of Vevay, approved January 30, 1836;

No. 195, an act to incorporate the Wabash Fire company;

No. 132, an act to authorize the circuit court of the county of Cass to change the venue in a certain case therein named.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have this day presented to his Excellency the Governor for his approval and signature the following bills, which originated in the Senate, to-wit:

No. 94, an act for the relief of Phebe Clymer;

No. 140, an act to authorize the election of a justice of the peace and a constable in the town of New Trenton, in the county of Franklin;

No. 141, an act to change the name of Jacob Henry Hornburg;

No. 142, an act to change the route of the New-Albany and Princeton state road within the limits of Leavenworth, Crawford county;

Mr. Elliott made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House of Representatives entitled as follows, to-wit:

No. 251, an act for the relief of the widow, heirs, and administrator of William Watts, deceased;

No. 182, an act to legalize certain proceedings of the board doing county business for Wabash county;

No. 202, an act to incorporate the Wabash band of musicians;

No. 155, an act to incorporate the trustees of the Walnut Ridge

Cemetery;

No. 214, an act to legalize the proceedings of certain justices of the peace in Clay county and for other purposes;

No. 211, an act to provide for the election of an additional justice of the peace and constable for Morgan township in the county of Harrison;

No. 9, an act to incorporate the Evansville Rifle Rangers;

No. 97, an act to incorporate the town of Noblesville in the county of Hamilton, Indiana;

No. 82, an act to amend an act entitled an act to incorporate the Lawrenceburgh bridge company, approved January 24, 1831,

And find the same truly enrolled.

The following message was received from the Governor by Mr. Moore, his private Secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has on this day approved and signed bills which originated in the Senate, entitled acts as follows, to-wit:

An act to change the route of the New Albany and Princeton state road within the limits of Leavenworth, Crawford county, Indiana;

An act to change the name of Jacob Henry Hornburg;

An act for the relief of Phebe Clymer;

An act to authorize the election of a justice of the peace and a constable in the town of New-Princeton in the county of Franklin.

And on motion, the Senate adjourned.

MONDAY MORNING, FEB. 17.

The Senate assembled.

The President laid before the Senate the following report from Milton Stapp, Esq., one of the fund commissioners:

OFFICE BOARD FUND COMMISSIONERS,  
Indianapolis, February 14, 1840.

DAVID HILLIS, Esq.,  
President of the Senate:

Sir—In answer to a resolution of the Senate of this date, requiring this board to "report immediately to the Senate the amount of the



indebtedness of James B. Johnson, late member of the board of internal improvement, for which he has not furnished sufficient and formal vouchers to said board of fund commissioners," I beg leave to state, that the said Johnson is indebted to the amount of five thousand one hundred and fifty-eight dollars and sixty-one cents, for which he has not furnished formal vouchers.

It is however due to Mr. Johnson to state, that there is on file in this office, the engineer's certificates of work done, to cover four thousand three hundred and seventy-five dollars of this sum, and that vouchers for this last sum were furnished to the board of internal improvement for settlement, and returned for informality.

Very respectfully,

MILTON STAPP,

Fund Commissioner.

Which was read and laid upon the table.

Mr. Kennedy presented the petition of Samuel Stackhouse and others, citizens of Delaware and Henry counties, on the subject of extending the time of payment on school lands,

Which was read and referred to the committee on education.

Mr. Lane moved to take up the bill on the subject of re-organizing the board of public works, &c. &c., which motion did not prevail.

Mr. Lowe moved to suspend the rules of the Senate, and take up the bill modifying the public works.

A division of the question being demanded by Mr. Baird of M.,

And the question being on suspending the rules,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Blair, Brady, Clark, Cravens, Ewing of Cass, Herriott, Lowe, Mount, Nave, Nickel, Tannehill, Watt, Watts, and Wright—15.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Carr, Cathcart, Chamberlain, Dobson, Elliott, Hackett, Hargrove, Kennedy, Kinzer, Lane, Morgan, Riley, Smiley, Stafford, Stephenson, Thompson, Tuley and Williams—25.

So said motion did not prevail.

Mr. Thompson, Chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the Senate No. 137, entitled a bill requiring the collection of the remaining state revenue of Cass county, for 1839, have taken the subject under consideration, and a majority of the committee have instructed me to report it without amendment, and recommend its indefinite postpone-

ment; believing as they declare, that a bill of its provisions cannot originate in the Senate, and that it would be a violation of the 19th Section of the 3d article of the constitution of this state, which declares that all bills for raising the revenue, shall originate in the House of Representatives, but that the Senate may amend or reject, as in other bills.

That any provision of the bill is in contravention is not believed or admitted by the minority; therefore, Messrs. Angle, Wright, Kennedy, Nave, Armstrong, and Thompson, dissent from the report, inasmuch as they cannot perceive that the intent of the bill is to raise the revenue, but merely to enforce the collection of the revenue which was raised and ordered to be collected by an act of last session, and which act was disregarded by the authorities of Cass county, the object of the present bill is merely to enforce the observance of that act, which raised and ordered 30 cents per hundred dollars worth of property to be collected. The minority cannot conceive that the purport of the bill will be, by the most far-fetched construction, construed into a violation of the constitution. It is not adding to or increasing the revenue, but ordering that which has by previous enactment been raised, levied or assessed, to be collected; therefore, they protest against the concurrence in the report of the majority.

Messrs. Baird of St. Joseph and Cravens, were opposed to the indefinite postponement of said bill, but thought it might better originate in the House of Representatives, or be placed upon the revenue bill as an amendment, when the same shall be reported from the House, so that the whole revenue law may be in the same bill.

Mr. Lane moved that said report and bill be laid upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Brady, Carr, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Green, Hackett, Kinzer, Lane, Nave, Tuley and Wright—14.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Carnan, Cravens, Elliott, Hargrove, Herriott, Kennedy, Lowe, Moffatt, Morgan, Mount, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watt, Watts, and Williams—27.

So said report and bill were not laid upon the table.

The question recurring on concurring in the report of the committee as made by the majority.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Cathcart, Clark, Ewing of Cass, Hackett, and Lane—5.



*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Beard of Montgomery, Bell, Berry, Blair, Brady, Carnan, Carr, Chamberlain, Cravens, Dobson, Elliott, Green, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams, and Wright—35.

So said report was not concurred in.

Mr. Ewing of Cass moved to refer said bill to a select committee.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Cathcart, Clark, Ewing of Cass, Hackett, and Lane—5.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Brady, Carnan, Carr, Chamberlain, Cravens, Dobson, Elliott, Green, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams, and Wright—35.

So said bill was not so referred.

Mr. Ewing of Cass moved to lay said bill upon the table,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Green, Hackett, Lane, Nave, Smiley, Tuley, and Wright—12.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Brady, Carnan, Carr, Cravens, Elliott, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Morgan, Mount, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watt, Watts, and Williams—29.

So said bill was not laid upon the table.

Mr. Thompson moved to amend said bill by striking out of the section, the words "five hundred," and insert the words "fifteen hundred."

Mr. Lane moved that said bill be postponed until Thursday next.

Mr. Kennedy moved the previous question;

Which motion was seconded by a majority of the Senate.

And on the question—Shall the main question be now put?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Brady, Carnan, Carr, Chamberlain, Clark, Cravens, Elliott, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, and Williams—35.

*Those who voted in the negative were,*

Messrs. Cathcart, Dobson, Ewing of Cass, Green, Lane, Smiley, and Wright—7.

So the main question was ordered to be put.

And the question being—Shall the bill be engrossed and read a third time on to-morrow?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Brady, Carnan, Carr, Clark, Cravens, Dobson, Elliott, Green, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, and Williams—35.

*Those who voted in the negative were,*

Messrs. Cathcart, Chamberlain, Ewing of Cass, Hackett, Lane, Smiley, and Wright—7.

So said bill was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Cathcart,

*Resolved*, That the board of fund commissioners be requested to inform the Senate as follows:

1st. The names of all the banking institutions, companies and individuals who are now in debt to the State of Indiana on account of state bonds sold for the prosecution of the Wabash and Erie canal, and system of internal improvement, with the amount due from each.

2d. The par value of the stock of the same, and the present actual or market value thereof.

3d. The collateral securities given by each, with the par value of the same, and the present actual or market value thereof.

On motion of Mr. Cravens,

*Resolved*, That the committee on claims be instructed to inquire into the expediency of allowing to Jesse Cole of Ripley county, \$12, being the amount of state tax for the year 1839, paid on the north half of



section 4, township 15, range 3, which was improperly listed to said Cole, and the tax paid by his agent.

Mr. Ewing of Cass moved that the bill of the House of Representatives, on the subject of the valuation and stay laws be taken up.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. J., Bell, Blair, Brady, Cathcart, Chamberlain, Dobson, Elliott, Ewing of Cass, Green, Hackett, Kinzer, Lane, Moffatt, Nave, Nickel, Riley, Smiley, Smith, Tannehill, Tuley, Williams, and Wright—25.

*Those who voted in the negative were,*

Messrs. Armstrong, Beard of M., Berry, Carnan, Clark, Cravens, Hargrove, Herriott, Kennedy, Lowe, Morgan, Mount, Stafford, Stephenson, Thompson, Watt, and Watts—17

So said bill was taken up.

Mr. Lane withdrew the motion to indefinitely postpone.

Mr. Ewing of Cass, moved that the Senate reconsider the vote of the Senate by which the bill of the House was stricken out and the bill of the Senate inserted.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Bowen, Brady, Carr, Cathcart, Elliott, Ewing of Cass, Green, Hackett, Kinzer, Lane, Moffatt, Smiley, Smith, Williams, and Wright—15.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Carnan, Chamberlain, Clark, Cravens, Dobson, Hargrove, Kennedy, Lowe, Morgan, Mount, Nave, Nickel, Riley, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt and Watts—28.

So said vote was not re-considered.

And on motion, the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

The President laid before the Senate the following communication from the Indiana Mutual Fire Insurance company, which was laid upon the table.

OFFICE INDIANA MUTUAL FIRE INSURANCE COMPANY,  
Indianapolis, Dec. 4, 1839.

*Report of the Directors to the Members at the Annual Meeting of the Indiana Mutual Fire Insurance Company, held at the office of the Company in Indianapolis, on Wednesday, December 4, 1839.*

The Board of Directors of the Indiana Mutual Fire Insurance Company, in accordance with the twenty-second section of the charter, present the following annual report of the condition, progress, and affairs of said company during the third year of its operations, commencing December 1, 1838, and terminating Nov. 30, 1839.

CONDITION OF THE COMPANY.

|   |                |
|---|----------------|
| Policies have been issued during the year to the number of  | 669            |
| Insuring on property to the amount of                       | \$1,112,180 00 |
| The premium notes taken during the year amount to           | 80,296 60      |
| The whole amount discharged during the year is              | 406,840 00     |
| And of premium notes discharged the amount is               | 28,812 60      |
| The amount of 5 per centage receivable is                   | 4,014 83       |
| The number of policies wholly discharged during the year is | 117            |

The following assessment for losses by fire was laid by the Board on the 30th September, 1839, viz:

|                                   |                 |                               |                   |
|-----------------------------------|-----------------|-------------------------------|-------------------|
| October 16, 1838,                 | $\frac{1}{4}$   | per cent., raising the sum of | 441 51            |
| December 22, "                    | $\frac{3}{4}$   | " " "                         | 1,476 53          |
| January 29, 1839, 3 $\frac{1}{4}$ | "               | " " "                         | 6,768 88          |
| February 8, "                     | 1 $\frac{1}{4}$ | " " "                         | 3,143 84          |
| " 13, "                           | $\frac{1}{4}$   | " " "                         | 526 38            |
| April 3, "                        | $\frac{1}{4}$   | " " "                         | 1,081 34          |
| " 25, "                           | $\frac{1}{4}$   | " " "                         | 545 05            |
| " 28, "                           | 1 $\frac{1}{2}$ | " " "                         | 3,272 71          |
| Total 8 $\frac{1}{2}$             |                 |                               | Total \$17,256 24 |

RECEIPTS.

The receipts for the year have been as follows:—

|  |                                 |
|--|---------------------------------|
| Balance in the treasury Nov. 30, 1838      | \$2,056 90                      |
| Five per centage receivable on prem. notes | 4,014 83                        |
| Receivable for policies                    | 669 00                          |
| Money borrowed to pay losses               | 16,749 00                       |
| Balances on notes given up                 | 978 10 $\frac{1}{2}$            |
| Assessment No. 1, ordered Oct. 9, 1838     | 6,162 32                        |
| Interest on a judgment                     | 1 00                            |
|  | <hr/> \$30,622 15 $\frac{1}{2}$ |



## EXPENDITURES.

## 1ST LOSSES.

Abatement of 5 per centage and Fees for Policies not taken:—

*Losses by Fire.*

|   |                   |
|---|-------------------|
| Joseph Kellum, Raysville,                     | 520 00            |
| Trustees of Hanover College, Hanover,         | 1,330 00          |
| Espy & Sloan and John F. Ramsay, Indianapolis | 152 50            |
| J. P. Dugan & Co., Delphi                     | 6,060 00          |
| John Phelps,                                  | 940 00            |
| Chauncey B. Lewis, Madison,                   | 225 00            |
| J. L. Bell, Pendleton,                        | 550 00            |
| Barlow, Ames & Co. Princeton,                 | 2,902 43          |
| J. B. Rappelyea, Evansville,                  | 439 25            |
| Dorsey, Warren & Ayres, New Albany,           | 1,000 00          |
| William Quarles, Indianapolis,                | 45 00             |
| John Taylor, Lafayette,                       | 514 02            |
| J. L. Sloan, Covington,                       | 3,400 00          |
| Samuel Merrill, Indianapolis,                 | 10 00—\$18,088 20 |

## 2D. INCIDENTAL EXPENSES.

|   |                    |
|---|--------------------|
| Books, stationery, printing, and advertising, | 378 30             |
| Collecting assessments,                       | 60 80              |
| Interest and exchange,                        | 755 64½            |
| Postage on letters and packages               | 386 87             |
| Miscellaneous expenses,                       | 320 93             |
| President and treasurer's salary,             | 500 00             |
| Secretary's salary,                           | 1,200 00           |
| Clerk's salary,                               | 600 00             |
| Agents and assistants,                        | 919 00             |
| Adjusting losses,                             | 135 00—5,256 54½   |
| Borrowed money repaid,                        | 5,500 00           |
|   | <hr/> \$28,869 04½ |

Leaving a balance in the treasury Nov. 30, 1839, of 1,753 11½

Of which the sum of \$432 46 is in the hands of the treasurer and the balance is due from agents.

The whole number of policies issued since March 20, 1837, is 1,975.

|  |                |
|--|----------------|
| Insuring on property to the amount of            | \$3,987,200 00 |
| Of which has been discharged the sum of          | 572,360 00     |
| Leaving at risk of the company, Nov. 30th, 1839, | 3,414,840 00   |
| The whole amount of premium notes taken, is      | 281,832 20     |
| Of which has been discharged the sum of          | 41,125 95      |
| Leaving in force Nov. 30, 1839, the sum of       | 240,706 25     |

The whole number of policies totally discharged is 156, the property covered by which has been mostly re-insured.

## TOTAL MEANS.—FROM MARCH 20TH, 1837,

|   |                |
|---|----------------|
| Five per centage receivable on premium notes, | \$14,091 61    |
| Receivable for policies,                      | 1,975 00       |
| Balances on notes given up,                   | 1,118 52       |
| Money borrowed to pay losses,                 | 21,140 00      |
| Assessment No. 1, ordered October 9, 1838,    | 6,162 32       |
| Interest on a judgment,                       | 1 00—44,558 45 |

## TOTAL LIABILITIES.

|   |                      |
|---|----------------------|
| Losses and expenses,                    | \$37,305 33½         |
| Borrowed money repaid,                  | 5,500 00             |
| Balance in the treasury, Nov. 30, 1839, | 1,753 11½\$44,558 45 |

## PROGRESS OF THE COMPANY.

The following table, exhibiting at the end of each month, the number of policies issued, the whole amount insured, the amount of premium notes, the amount of 5 per centage, the increase of the amount insured, and of the notes, the amounts discharged, and the amounts at risk and in force, will show the progress of the company correctly:

51.



T A B L E.

| Months.       | Policies. |           | Am. Ins'd |         | Pr'm notes. |        | 5 per cent. |         | Increase. |        |              |         | Discharged. |        |             |           | At risk.   |    | In force. |
|---------------|-----------|-----------|-----------|---------|-------------|--------|-------------|---------|-----------|--------|--------------|---------|-------------|--------|-------------|-----------|------------|----|-----------|
|               |           |           | D         |         | D           |        | C           |         | am. ins.  |        | pre'm notes. |         | am. ins.    |        | pr'm notes. |           | am't ins'd |    |           |
|               |           |           |           |         |             |        |             |         |           |        |              |         |             |        |             |           |            |    |           |
| Dec. 31, 1838 | 1,422     | 3,086,620 |           | 215,980 | 10          | 10,799 | 00½         | 211,600 |           | 14,444 | 50           | 127,730 |             | 16,310 | 95          | 2,860,890 | 199,669    | 15 |           |
| Jan. 1, 1839  | 1,507     | 3,233,360 |           | 226,826 | 65          | 11,341 | 33½         | 146,740 |           | 10,845 | 55           | 243,930 |             | 17,993 | 25          | 2,989,430 | 200,833    | 40 |           |
| Feb. 28 "     | 1,570     | 3,325,760 |           | 233,201 | 90          | 11,660 | 09½         | 92,400  |           | 6,375  | 25           | 312,780 |             | 23,171 | 00          | 3,012,980 | 210,030    | 90 |           |
| Mar. 31 "     | 1,617     | 3,422,230 |           | 240,719 | 20          | 12,035 | 96          | 96,470  |           | 7,517  | 30           | 336,550 |             | 25,075 | 50          | 3,085,680 | 215,643    | 70 |           |
| April 30 "    | 1,667     | 3,499,690 |           | 246,591 | 45          | 12,329 | 57½         | 77,460  |           | 5,872  | 25           | 382,690 |             | 28,149 | 55          | 3,117,000 | 218,441    | 90 |           |
| May 31 "      | 1,717     | 3,584,030 |           | 253,417 | 25          | 12,670 | 86½         | 84,940  |           | 6,825  | 80           | 396,970 |             | 29,184 | 95          | 3,187,600 | 224,232    | 30 |           |
| June 30 "     | 1,761     | 3,677,840 |           | 259,838 | 85          | 12,991 | 94½         | 93,210  |           | 6,421  | 60           | 426,290 |             | 31,305 | 85          | 3,251,550 | 228,533    | 00 |           |
| July 31 "     | 1,800     | 3,731,950 |           | 263,501 | 25          | 13,175 | 06½         | 54,110  |           | 3,662  | 40           | 437,500 |             | 32,261 | 85          | 3,294,450 | 231,239    | 40 |           |
| Aug. 31 "     | 1,839     | 3,784,190 |           | 267,670 | 95          | 13,383 | 54½         | 52,240  |           | 4,169  | 70           | 466,710 |             | 34,117 | 05          | 3,317,480 | 233,553    | 90 |           |
| Sept. 30 "    | 1,862     | 3,829,510 |           | 270,218 | 45          | 13,510 | 92½         | 36,320  |           | 2,547  | 50           | 488,610 |             | 35,496 | 05          | 3,331,900 | 234,722    | 40 |           |
| Oct. 31 "     | 1,924     | 3,904,780 |           | 275,708 | 40          | 13,785 | 42          | 84,270  |           | 5,489  | 95           | 532,520 |             | 38,364 | 15          | 3,372,260 | 237,344    | 25 |           |
| Nov. 30 "     | 1,975     | 3,987,200 |           | 281,832 | 20          | 14,091 | 61          | 82,420  |           | 6,123  | 80           | 572,360 |             | 41,125 | 95          | 3,414,840 | 240,706    | 25 |           |

## AFFAIRS OF THE COMPANY.

The assessment ordered October 9, 1838, amounted to \$6,470 52, of which the sum of \$6,162 32 has been paid to the Treasurer. The balance \$308 20 is due from agents and on receipts yet in the office, and will probably be collected in a short time. As the assessment ordered Sept. 30, 1839, was made payable on the day of the annual meeting, at which time the annual report is made, the board must necessarily defer remarks in relation thereto until the next meeting of the company. As the collection of an assessment is the correct test of the ability of a mutual office to meet its liabilities, or the evidence of its weakness, the board cannot otherwise than congratulate the members on the strength and popularity of the company as indicated by the willing promptness in which the first assessment was met by them. In common with all institutions which require the use of considerable sums of money, this office may not be able to effect loans on its securities, and may be obliged to ask indulgence from members suffering losses by fire, in consequence of the embarrassments of the times; but of its ability to make indemnity within the year there can be no doubt. During the three years in which it has issued policies, every loss has been paid by the office at the expiration of the time prescribed by the charter, or within three months from the time of the loss.

The board have complied with the requirements of the 5th section of the charter, by procuring for the use of the company two rooms in the new State Bank building, furnished with a fire proof vault, the whole being "suitable for the transaction of business, and for the preservation of the funds and other property belonging to said company from destruction by reason or means of fire." As these rooms may be occupied by the company several years, the board will not of course, subject the members to expense for the erection of a fire proof building as contemplated by the charter.

The utility of the office will depend upon its ability to make prompt indemnity to sufferers, and in order that this may be done by the board, they most earnestly request members to a willing and reasonable discharge of their liabilities to the office. Every member who unreasonably neglects to pay his assessments, thereby aids in embarrassing the business of the office and depriving himself of that indemnity which he expects in case of suffering loss by fire. It is confidently hoped, then, that the board will have no occasion for complaint on account of the negligence of members.

When members alienate their policies by sale of the assured property it is their duty to surrender the policies to be cancelled; and until such surrender they will be held liable for assessments. The fifteenth section of the charter points out the course to be pursued in such cases, to which the particular attention of every member is requested.

In behalf of the Board of Directors,  
JAMES BLAKE, Pres't.



Mr. Lane, having obtained leave, introduced the following resolution:

*Resolved*, That the Senate will, during the balance of this session adjourn to meet at half past 8 o'clock A. M. and at half past 1 o'clock P. M.

Mr. Thompson moved to lay said resolution on the table;

Which motion did not prevail.

And said resolution was adopted.

The Senate resumed the consideration of the bill entitled a bill to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831.

Mr. Baird of St. Joseph moved to refer said bill to a select committee.

Mr. Kennedy moved that the bill be indefinitely postponed;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Carnan, Clark, Cravens, Herriott, Kennedy, Kinzer, Lane, Lowe, Morgan, Riley, Stephenson, Thompson, Tuley, Watt, Williams and Wright—16.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Green, Hargrove, Moffatt, Mount, Nave, Nickel, Smiley, Stafford, Tannehill and Watts—24.

So said bill was not indefinitely postponed.

The question recurring on referring said bill to a select committee;

It was decided in the affirmative;

And said bill was so referred.

*Ordered*, That said committee consist of Messrs. Baird of St. Joseph, Moffatt, Ewing of Cass and Nave.

Mr. Lane moved to take up the bill re-organizing the board of public works;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Blair, Brady, Carr, Cathcart, Chamberlain, Cravens, Ewing of Cass, Green, Hargrove, Kennedy, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Riley, Thompson, Tuley Watts and Wright—22.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Carnan, Clark, Dobson, Elliott, Herriott, Moffatt, Mount, Smiley, Stafford, Stephenson, Tannehill, Watt and Williams—19.

So said bill was taken up.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed bill thereof as follows, to wit:

No. 324, an act to dissolve the present board of internal improvement, the board of fund commissioners and the engineer department; In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time.

Mr. Kennedy moved to suspend the rules of the Senate and read the bill a second time now;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Blair, Cathcart, Chamberlain, Clark, Cravens, Ewing of Cass, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Morgan, Nickel, Riley, Smiley, Smith, Stephenson, Thompson, Tuley, Watts and Wright—24.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Berry, Bowen, Brady, Carnan, Dobson, Elliott, Herriott, Moffatt, Mount, Nave, Stafford, Tannehill, Watt and Williams—19.

So said rules were not suspended.

On motion of Mr. Green, the rules of the Senate were suspended, and the bill for the relief of Mariah T. Rush taken up.

On motion of Mr. Thompson, said bill was referred to the committee on the judiciary.

Mr. Chamberlain moved that the Senate take up the joint resolution on the subject of the Maine boundary question;

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Angle, Brady, Carnan, Carr, Cathcart, Chamberlain, Dobson, Elliott, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Nave, Nickel, Smiley, Stafford, Tannehill, Tuley, Watt, and Wright—21.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Beard of M., Berry, Blair, Clark, Cravens, Herriott, Moffatt, Morgan, Mount, Riley, Smith, Stephenson, Thompson, Watts and Williams—19.

So said joint resolution was taken up and passed unanimously.

On motion of Mr. Chamberlain, 1000 copies of said memorial and joint resolution were ordered to be printed.

On motion of Mr. Wright, the Senate took up messages from the House of Representatives.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills thereof, entitled,

No. 232, an act to incorporate the 2d Presbyterian Church in Indianapolis,

No. 233, an act to annex all that part of East Knightstown lying east of Blue river to the town of Raysville,

No. 234, an act to provide for the re-location of the county seat of Blackford county;

No. 239, an act for the relief of Loyd Wedding of Daviess county;

No. 240, an act for the relief of Mary M. Holliday,

No. 249, an act to amend an act entitled an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter,

No. 263, an act relative to trials before justices of the peace in certain counties therein named,

No. 265, an act for the relief of certificate holders to certain school lands in Monroe county,

No. 269, an act to amend an act entitled an act to incorporate the town of Martinsville in Morgan county, Indiana, approved February 17, 1838,

No. 280, an act relative to the New Albany and Vincennes McAdams road and for the better regulation thereof.

No. 288, an act to vacate a certain state road in the county of St. Joseph,

Also a joint resolution thereof,

No. 291, a joint resolution relative to the publication of the reports of the Auditor and Treasurer of State with the general acts of the general assembly,

In which the concurrence of the Senate is respectfully requested.

Bill No. 233, in said message was read a first and second times.

Mr. Baird of St. Joseph moved that said bill be indefinitely postponed.

On motion of Mr. Cravens, said bill was laid on the table.

Bills Nos. 232, 239, 265, 268, and joint resolution No. 291, were severally read the first, second and third times and passed;

Bill No. 234, was read a first and second time.

On motion of Mr. Kennedy, said bill was referred to a select committee.

*Ordered,* That said committee consist of Messrs. Kennedy, Elliott, and Chamberlain.

Bill No. 240, was read a first and second time and referred to the committee on claims.

Bill No. 249 was read a first and second times, and referred to a select committee.

*Ordered,* That said select committee consist of Messrs. Watts, Arion, and Mount.

Bill No. 266, was read a first and second times, and ordered to a third reading.

No. 280 was read a first and second times and referred to a select committee;

*Ordered,* That said committee consist of Messrs. Tuley, Carnan, Hackett, and Riley.

Mr. Lane moved to suspend the rules of the Senate and take up the bill to provide for the payment of the debt of the State to the Branches of the State Bank of Indiana.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. J., Blair, Bowen, Brady, Carnan, Carr, Cravens, Dobson, Elliott, Ewing of Cass, Green, Herriott, Kennedy, Lane, Moffatt, Morgan, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt, Watts and Williams—29.

*Those who voted in the negative were,*

Messrs. Armstrong, Beard of M., Bell, Berry, Chamberlain, Clark, Finch, Hackett, Hargrove, Kinzer, Lowe, Mount, Smiley, Thompson, and Wright—15.

So said bill was taken up,

The question being on the adoption of the amendment proposed by Mr. Armstrong, which was pending on the 13th instant, when the bill was under discussion.



The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Blair, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Finch, Green, Hackett, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Smiley, Smith, Thompson, Tuley, Watts and Wright—26.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Herriott, Kennedy, Moffatt, Mount, Riley, Stafford, Tannehill, Watt and Williams—16.

Said amendment was adopted.

Mr. Nave moved to amend said bill as follows:

Amend the bill by striking it out from the enacting clause and insert the following:

SEC. 1. That out of the securities heretofore taken by the President of the State Bank, for the payment of the one million of dollars in state bonds, by said President sold to the Morris Canal and Banking Company, by authority of an act of the General Assembly of the state of Indiana, entitled, an act for the increase of the stock in the State Bank, approved February 12, 1839, the sum of six hundred and fifty thousand dollars, be hypothecated to the state of Indiana, to discharge the debt now due the State Bank of Indiana, for moneys by her advanced through her several branches, to contractors on the public works, to aid in the prosecution of the same.

SEC. 2. This act to take effect and be in force from and after its passage.

A division of the question being called for,  
And the question being on striking out,  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Carr, Cathcart, Chamberlain, Elliott, Green, Hackett, Kennedy, Kinzer, Nave, Nickel, Smiley, Thompson, and Wright—14.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Brady, Carnan, Clark, Cravens, Dobson, Ewing of Cass, Hargrove, Herriott, Lane, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt, Watts, and Williams—28.

So said motion did not prevail.

Mr. Armstrong moved to amend said bill in the 1st section in the 13th line by inserting after the word payments, the words heretofore made.

Which motion prevailed and the bill was so amended.

Mr. Lane moved that the rules of the Senate be suspended and the bill be considered as engrossed and read a third time now;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Cravens, Dobson, Ewing of Cass, Herriott, Lane, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt, Watts, and Williams—27.

*Those who voted in the negative were,*

Messrs. Armstrong, Carr, Cathcart, Chamberlain, Elliott, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Nave, Nickel, Smiley, Thompson, and Wright—15.

So said motion did not prevail.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills thereof as follows, to-wit:

No. 49, an act to authorize Osborn & Chamberlain, late printers to the House of Representatives of the state of Indiana, or either of them to sue the state;

No. 94, an act declaring certain names therein mentioned misprints;

No. 163, an act to allow further time to the Lawrenceburgh and Indianapolis rail road company to settle up and close their affairs;

No. 169, an act to confirm the title made by Harriet M. Williams and Thomas H. Williams to certain real estate therein designated;

No. 176, an act creating the county of Benton, and for other purposes;

No. 181, an act to authorize the relocation of the state road passing through the town of Rising Sun in the county of Dearborn;

No. 198, an act concerning the estate of Benjamin F. Butts, dec'd.

No. 246, an act for the relief of R. and H. Stewart;

No. 248, an act to appropriate a part of the three per cent. fund of Ripley county, and for other purposes;

No. 261, an act to change the name of the town of Paris in Lawrence county, to that of Bryantsville;

No. 284, an act for the relief of Julia A. Wernwag;

No. 305, an act to regulate the jurisdiction of justices of the peace in the county of Hamilton,



I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills and joint resolution of the Senate, and find the same truly enrolled, to wit:

No. 155, an act in relation to such writs, &c. as may have issued, or shall issue from the clerks of the circuit courts in Laporte, Porter, and Lake counties;

No. 85, a joint resolution for the benefit of Gibson and Dubois counties;

No. 128, an act amendatory to an act entitled an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838;

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have examined the following enrolled with the engrossed bills of the House, and find the same truly enrolled, to wit:

No. 181, an act to authorize the relocation of the state road passing through the town of Rising Sun in the county of Dearborn;

No. 248, an act to appropriate a part of the three per cent. fund of Ripley county and for other purposes;

No. 284, an act for the relief of Julia A. Wernwag;

No. 49, an act to authorize Osborn & Chamberlain, late printers to the House of Representatives of the state of Indiana, or either of them, to sue the state;

No. 303, an act to regulate the jurisdiction of justices of the peace in the county of Hamilton,

No. 169, an act to confirm the title made by Harriet M. Williams and Thomas H. Williams, miners, to certain reale state therein designated;

No. 246, an act for the relief of R. & H. Stewart;

No. 198, an act concerning the estate of Benjamin F. Butts, dec'd.

No. 153, an act to allow further time to the Lawrenceburgh and Indianapolis rail road company to settle up and close their affairs;

No. 176, an act creating the county of Benton and for other purposes;

No. 94, an act declaring certain names therein mentioned misprints;

No. 261, an act to change the name of Paris in Lawrence county to that of Bryantsville;

No. 121, an act to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance Company;

No. 96, an act to incorporate the Greensburgh and Vernon turnpike company, and

On motion, the Senate adjourned.

TUESDAY MORNING, FEB. 18.

The Senate assembled.

The President laid before the Senate two communications from the President of the State Bank:

The following communication on the subject of loans to foreign corporations was read:

TO THE SENATE—

In answer to your resolution of the 14th, "requesting the President of the State Bank to communicate information as to money furnished and advanced to foreign corporations and non-resident speculators, while it was refused to citizens of this state; and as to the dealing of the branches in bills of exchange," the undersigned begs leave to report: That he has no means but through the officers of the branches to obtain the precise information requested by the Senate. The reports of the branches twice a month state only in general terms the situation of their affairs; such as the amount of their bills of exchange and notes discounted, &c., but they do not specify for whom their discounts are made. Once every six months however, there is an examination of each branch made on behalf of the state board. The examiners usually report amongst other things the names of the payors of all notes and bills discounted. From their reports on file it does not appear that any money has been advanced by any of the branches for the benefit or on account of a foreign corporation; nor did the undersigned in any of his examinations ever hear of any advance of the kind, though such an advance may have been made in the interval between the examinations, if so, it must have been on but short credit, and the amount small, for no loan over \$5,000 can be made to corporations without the consent of the state board, and this was never asked in favor of a foreign corporation. It is possible moreover, that individuals may have drawn on other persons having the guarantee of a corporation that payment should be punctually made, and their bills as well as those of other foreigners well secured, have no doubt been bought to some extent in all the branches: yet in looking over the names of the persons for whom



bills have been discounted, when the examination was made by him in the northern branches this fall, and also when it was made by Mr. Morrison last spring, the undersigned can see but few if any names of foreigners or persons likely to be connected with foreign corporations.

None of the Branches, it is believed, have within the last eighteen months made any loans or discounted any bills of exchange for foreigners, which can have lessened the amount of loans that might have been made in the district. Were there to be no bills of exchange discounted, and were not great pains taken to provide funds at points to which business tends, for the accommodation of merchants and the collectors of foreign debts, the discounts of the branches must soon of necessity be much lower in amount than that of the present discounted notes alone.

Two important objects are gained by the payment of bills of exchange at distant points. The money to pay them is not taken from the currency here, and the withdrawal of the circulating medium of our state is prevented by providing funds at points to which the current of business requires them to be transferred. The bills of exchange in all the branches for the last eighteen months have fluctuated from \$300,000 to \$1,200,000, averaging less than \$800,000, while the notes discounted, have during that time been mostly about \$3,200,000, so that the bills of exchange have been less than one-fifth of the whole discounts of the bank. The bills of exchange are now \$1,044,000, and this proportion is not considered large, and in the present situation of the branches and their prospects for future business, is probably smaller than it should be. The money obtained on these bills has been circulated among the people to buy their produce, and the bills will be paid when the produce is sold. When bills of exchange are bought of the shipper of produce, or to aid real business as they always should be, they give great facilities to the citizens interested in having a regular circulating medium, and they provide exchange for merchants and traders at cheaper rates than specie can be transported, or funds to answer their objects otherwise procured. Were this not the case recourse would be had to other sources.

The charges of the branches for exchange, whether it is bought or sold must correspond with the customary rates, and that this should not be unreasonable has been a subject to which the state board has given their attention. So uncertain however, for some time past has been the value of funds to be paid at a future day, at distant points, that it has often been difficult to ascertain what would be just in this respect.

If this communication should be less satisfactory than may be expected, as to some of the matters mentioned in the resolution, it will be gratifying to the undersigned to have Senators look at the lists of names for which discounts have been made in the branches, they may judge better as to any connections with foreigners or foreign corporations than he is able to do from the examination he has made.

Respectfully submitted,

State Bank, Feb. 17, 1840.

S. MERRILL.

On motion of Mr. Ewing of Cass, said communication was referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Ewing of Cass, Lane, Cravens, Wright, and Tuley.

The communication on the subject of the proceedings of the directors of the State Bank was read;

Mr. Baird of St. Joseph moved that said report be laid upon the table and that copies be printed.

Mr. Kennedy moved to amend said motion by providing that a copy of the resolution of enquiry upon which the report is predicated, be printed in connexion with said report; which motion prevailed.

Mr. Thompson moved a division of the question, and the question being on printing, it was decided in the affirmative.

The question then being on the number of copies,

Mr. Wright proposed 1500 copies;

Mr. Kennedy proposed 1000.

Mr. Beard of M., proposed 500 copies,

And the question being on 1500,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Clark, Ewing of Cass, Finch, Green, Hackett, Herriott, Williams and Wright—10.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Hargrove, Kinzer, Lane, Morgan, Mount, Nave, Nickel, Riley, Smiley, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt and Watts—31.

So the Senate refused to print 1500 copies of said report.

The question being on printing 1000 copies, it was decided in the negative.

The Senate then ordered that 500 copies of said report be printed.

Mr. Wright asked leave to introduce the following resolution: And that said resolution be again referred to the President of the State Bank, for the purpose of calling his attention to the following subject contained in said resolution:

What amount of the advances made by the Branches to the Board of Internal improvement was made after the 7th day of Aug. 1839.

And the question being on granting leave,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Brady, Carnan, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Hackett, Har-



grove, Kennedy, Nickel, Smiley, Smith, Stephenson, Tannehill, Thompson, Tuley, Williams, and Wright—23.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Cravens, Elliott, Green, Herriott, Kinzer, Lane, Morgan, Mount, Nave, Riley, Stafford, Watt, and Watts—19.

Sole leave was granted.

Mr. Armstrong moved further to amend said inquiry as follows:

And specify the amount advanced by each Branch respectively.

Which amendment was accepted by Mr. Wright, the mover.

The question recurring on the adoption of said resolution,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Carnan, Cathcart, Chamberlain, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Lane, Nave, Nickel, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watts, Williams and Wright—31.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Bowen, Clark, Elliott, Herriott, Morgan, Mount, Riley, and Watt—10.

So said resolution was adopted.

Mr. Tuley, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, have had the same under their consideration and have directed me to report the same back to the Senate with the following amendments, in which they ask the concurrence of the Senate.

Which amendments were concurred in.

Mr. Lane moved to amend said bill by adding two additional sections, relative to the management of the Evansville portion of the Central Canal;

Which amendments were adopted, and the bill considered as engrossed, and read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Baird of St. Joseph, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House, No.

45, entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1831, have had the same under consideration, as also the bill of the Senate on the same subject, and have made one amendment thereto, which is to strike the same out from the enacting clause, and insert the following substitute.

The question being on concurring in said report,

Mr. Carnan moved to amend the first section of the amendment of the committee, by inserting the following words in a proper place, viz: "make a true and fair cash valuation and"

Which amendment prevailed, and said amendment was so amended,

Mr. Bell proposed to amend the 6th section of said amendment by striking out the words "one half" and inserting the words "two thirds."

Which motion did not prevail.

And the question being on concurring in the report of said committee,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Bell, Bowen, Brady, Carnan, Carr, Cathcart, Elliott, Ewing of Cass, Ewing of Allen, Finch, Kennedy, Kinzer, Lane, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford and Williams—23.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Beard of M., Berry, Clark, Cravens, Dobson, Green, Hackett, Hargrove, Herriott, Morgan, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts and Wright—19.

So said report was concurred in.

On motion of Mr. Elliott, the bill was further amended.

On motion of Mr. Carnan, the bill was further amended.

On motion of Mr. Baird of St. Joseph, the amendments were considered as engrossed and the bill read a third time,

The question being on its passage,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Bell, Bowen, Brady, Dobson, Ewing of Cass, Ewing of Allen, Finch, Nave, Nickel, Smiley, Smith, Stafford, Tannehill, and Watts—16.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Beard of M., Berry, Carnan, Carr, Clark, Cravens, Elliott, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Riley, Stephenson, Thompson, Tuley, Watt, Williams and Wright—26.



So said bill did not pass.  
And, on motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate took up the bill of the Senate entitled, No. 139, a bill relating to state roads.

Mr. Angle moved to amend said bill by adding an additional section, which motion prevailed.

And the bill was read a third time and passed.

Mr. Dobson moved to amend said bill by adding an additional section, which motion prevailed.

Ordered, That the House of Representatives be informed thereof.

Mr. Watts, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred bill No. 249, of the House, to amend an act entitled an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter, have had that subject under consideration, and have directed me to report the same to the Senate without amendment, and recommend its passage.

On motion of Mr. Chamberlain, said bill was so amended that the town of Lawrencebutgh pay for the publication of said act in the newspaper in said town.

Said bill was read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Ewing of Allen, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred a bill of the House, No. 197, to amend an act to incorporate the town of Jeffersonville, have had it under consideration and directed me to report the same back to the Senate with one amendment, and to recommend its passage.

Said bill was read a third time and passed.

Mr. Baird of St. Joseph, from a select committee made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House of Representatives, No. 81, entitled a bill to repeal an act to vacate a part of the town of Milford, in the county of Kosciusko, have had the same under consideration, and they find that said bill is founded upon the petition of a respectable number of the citizens of said town of Milford, I am therefore requested by a majority of the commit-

committee to report the same back to the Senate and recommend its passage.

Mr. Chamberlain moved that said bill be indefinitely postponed; Which motion prevailed, and said bill was indefinitely postponed.

Mr. Stephenson moved that the Senate reconsider the vote on the passage of the bill to amend an act subjecting real and personal estate to execution approved Feb. 4, 1831.

Mr. Thompson moved to lay said motion on the table,  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Chamberlain, Clark, Elliott, Kennedy, Morgan, Stafford, Thompson, Tuley, Watt and Williams—10.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Carr, Cathcart, Cravens, Dobson, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Mount, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Tannehill, Watts and Wright—33.

So said motion did not prevail.

The question being on reconsidering said vote,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. J., Beard of M., Bell, Bowen, Brady, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Ewing of A., Finch, Green, Hackett, Lane, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watts and Wright—28.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Berry, Clark, Elliott, Hargrove, Herriott, Kennedy, Kinzer, Lowe, Morgan, Mount, Thompson, Watt, and Williams—15.

So said vote was re-considered.

Mr. Bowen moved that said bill be referred to a select committee; Which motion prevailed.

Mr. Thompson moved that said select committee be composed of one Senator from each congressional district;

Which motion prevailed.

Ordered, That said select committee consist of Messrs. Bowen, Lane, Carnan, Carr, Mount, Ewing of A. and Nave.

Mr. Lane moved that the Senate take up the bill dissolving the board of public works, &c.;



The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Berry, Bowen, Brady, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams and Wright—34.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Carnan, Elliott, Ewing of Allen, and Stafford—8.

So said bill was taken up and read a second time.

Mr. Cravens moved to refer said bill to a select committee;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Beard of M., Bell, Bowen, Carnan, Clark, Cravens, Elliott, Herriott, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill and Williams—19.

*Those who voted in the negative were,*

Messrs. Armstrong, Baird of St. Joseph, Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Smiley, Thompson, Tuley, Watt, Watts and Wright—25.

So said bill was not re-committed.

Mr. Cravens moved to amend said bill as follows:

That the board of internal improvement or commissioners of public works shall have power to transfer contracts from any of the lines of public improvement to any other line and authorize the contractor to prosecute the same where in the opinion of said board of internal improvement or commissioners of public works assisted by the engineer, the damages which would be assessed under the provisions of the act for the relief of contractors passed at the present session, would amount to one half the sum required to pay for the completion of the contract.

Mr. Stephenson moved to amend said amendment as follows:

*Provided,* That in all such transfers, contractors shall not be allowed damages on their contracts;

Which motion prevailed.

And said amendment was so amended.

The question recurring on the adoption of the amendment as amended;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Bowen, Carr, Cravens, Elliott, Herriott, Morgan, Mount, Nave, Smith, Stafford, Stephenson, Tannehill, Thompson and Williams—19.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Berry, Brady, Carnan, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Riley, Smiley, Tuley, Watt, Watts and Wright—25.

So said amendment was not adopted.

Mr. Armstrong moved to amend said bill as follows:

The said board of improvement or commissioners of public works be authorized to dispose of by sale to companies, such of the public works or any portion of work at cost, dividing the amount into ten equal annual instalments, taking ample security therefor, or by letting the same or any one of said works to any company or companies to complete the same, the state being considered a stockholder therein to the amount expended thereon.

The question being on the adoption of the amendment;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Beard of M., Carr, Cravens, Elliott, Green, Nave, Thompson, Watts, Williams and Wright—11.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Bell, Berry, Bowen, Brady, Carnan, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Tuley and Watt—33.

So said amendment did not prevail.

Mr. Baird of St. Joseph moved to amend said bill by striking it out from the enacting clause and inserting the following substitute:

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the board of internal improvement shall until further action of the legislature, consist of the two remaining members of the present board, whose terms of service have not expired, together with the present chief engineer, who in addition to his duties as engineer, is to be ex officio a member of the board, and the board thus constituted, to perform all the duties now required by law of the present board and



the chief engineer, and to possess all the powers of said board and engineer.

Sec. 2. The two members of the present board shall receive three dollars per day, including all expenses, for each day they are necessarily employed, *Provided however*, That in no event shall they each receive more than \$1000 per year for their services including all expenses.

Sec. 3. The chief engineer shall receive for his services including all expenses \$1000 per year.

Sec. 4. That the board of fund commissioners shall hereafter consist of the remaining member of the present board and the Treasurer of State.

(Here insert the provisions of the bill of the House.)

Sec. 5. The said fund commissioner shall receive for his services \$1000 annually, including all expenses.

Sec. 6. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

This act to take effect on the first of March next.

Mr. Ewing of Allen moved to amend said amendment by striking out the \$1000 and inserting \$2000 as the salary of the engineer.

Mr. Kennedy called for a division of the question.

And the question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Cathcart, Clark, Dobson, Ewing of Cass, and Ewing of Allen—5.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Carr, Chamberlain, Cravens, Elliott, Finch, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts and Wright—38.

So said motion did not prevail.

And said salary was not stricken out.

Mr. Arion moved to amend said amendment of Mr. Baird of St. J., as follows:

To obviate the salary of the Secretary of the Board from and after the first of March next, the board is hereby required to record its own proceedings;

Which motion prevailed.

So said amendment was so amended.

The question recurring on striking out the original bill;

Mr. Armstrong moved further to amend said original bill as follows:

Strike out the words "joint ballot" and insert "joint viva voce vote."

Mr. Elliott moved to amend said amendment as follows:

Strike out "joint ballot" and insert "separate viva voce vote;"

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Morgan, Mount, Nave, Riley, Stafford, Stephenson, Watts and Williams—20.

*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Smiley, Tannehill Thompson, Tuley, Watt and Wright—23.

So said amendment to the amendment did not prevail.

And the amendment was adopted.

Mr. Cathcart moved to amend said bill as follows:

Amend by adding after the sum \$1,500 the following: "and all reasonable and necessary expenses while absent from the state in the discharge of his official duties;"

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. J., Beard of M., Bell, Bowen, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Ewing of Allen, Finch, Lowe, Tannehill, Watt and Wright—17.

*Those who voted in the negative were,*

Messrs. Armstrong, Carnan, Clark, Cravens, Elliott, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Thompson, Tuley, Watts and Williams—24.

So said amendment did not prevail.

Mr. Armstrong moved to amend said bill so as to strike out \$1500 as the salary of the Fund Commissioners and insert \$1000;

The question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Bell, Carnan, Cravens, Elliott, Morgan, Mount, Nave, Stafford, Stephenson, Watts and Williams—13.



*Those who voted in the negative were,*

Messrs. Angle, Beard of M., Bowen, Brady, Carr, Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Nickel, Riley, Smiley, Smith, Tannehill, Thompson, Tuley, Watt and Wright—29.

So said bill was not so amended.

Mr. Morgan moved that the Senate adjourn;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Bowen, Carnan, Clark, Elliott, Ewing of Allen, Herriott, Morgan, Riley, Smith, Stafford, Stephenson, Tannehill, Watt, Watts, and Williams—20.

*Those who voted in the negative were,*

Messrs. Angle, Carr, Cathcart, Chamberlain, Cravens, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Mount, Nave, Nickel, Thompson, Tuley, and Wright—21.

So the Senate refused to adjourn.

The following message was received from the House of Representatives by Mr. Harris, their Clerk:

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled joint resolution and bills of the Senate as follows, to wit:

No. 85, a joint resolution for the benefit of Gibson and Dubois counties,

No. 128, an act amendatory to an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 17, 1838,

No. 155, an act in relation to such writs, &c. as may have issued or shall issue from the clerks of the circuit courts in Laporte, Porter and Lake counties,

Also enrolled bills of the House:

No. 96, an act to incorporate the Greensburgh and Vernon turnpike company,

No. 121, an act to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance company, approved Jan. 30, 1837,

No. 204, an act to incorporate the Lawrenceburgh and Napoleon turnpike company,

I am directed to bring the same to the Senate for the signature of the president thereof,

And the President of the Senate signed said bills.

Mr. Tuley, from the committee on enrolled bills, reports:

Mr. PRESIDENT—

The joint committee on enrolled bills have this day presented to his Excellency the Governor, for his approval and signature, the following bills which originated in the Senate, as also the following joint resolution:

No. 128, an act amendatory to an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 17, 1838,

No. 155, an act in relation to such writs, &c. as may have issued or shall issue from the clerks of the circuit courts in Laporte, Porter and Lake counties,

No. 85, a joint resolution for the benefit of Gibson and Dubois counties.

Mr. Tuley, from the committee on enrolled bills, reports:

Mr. PRESIDENT—

The joint committee on enrolled bills, have compared the following enrolled with the engrossed bill of the House, and find the same truly enrolled, to wit:

No. 204, an act to incorporate the Lawrenceburgh and Napoleon turnpike company.

Mr. Baird of St. Joseph moved that the Senate adjourn;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Carnan, Clark, Elliott, Ewing of Allen, Herriott, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Tannehill, Watt, Watts and Williams—23.

*Those who voted in the negative were,*

Messrs. Carr, Cathcart, Chamberlain, Cravens, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nave, Nickel, Thompson, Tuley, and Wright—19.

So the Senate adjourned.



WEDNESDAY MORNING, FEB. 19.

The Senate assembled.

Mr. Bowen moved that the message from the House of Representatives, fixing the day of adjournment of the present General Assembly, be taken up.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Carr, Cathcart, Clark, Cravens, Elliott, Hargrove, Herriott, Kinzer, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Stafford, Stephenson, Tannehill, Watt, Watts, and Williams—31.

*Those who voted in the negative were,*

Messrs. Chamberlain, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Kennedy, Smiley, Tuley, and Wright—11.

So said message was taken up.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have refused to concur in the amendment of the Senate to the resolution of the House, to adjourn, (the Senate concurring therein,) *sine die* on Monday the 24th of February, 1840.

Mr. Kennedy moved that the Senate insist on their amendment to said resolution.

Mr. Chamberlain moved to lay said message on the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Brady, Chamberlain, Dobson, Ewing of Cass, Green, Hackett, Hargrove, Kennedy, Tannehill, Thompson, Tuley and Wright—12.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Carnan, Carr, Cathcart, Clark, Cravens, Elliott, Ewing of Allen, Finch, Herriott, Kinzer, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Watt, Watts, and Williams—32.

So said message was not laid upon the table.

The question recurring on insisting on the amendment of the Senate.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Chamberlain, Kennedy, and Wright—3.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Carr, Cathcart, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, and Williams—40.

So said motion did not prevail.

Mr. Bowen moved that the Senate recede from their said amendment; which motion prevailed.

Mr. Ewing of Allen, laid before the Senate the following communication from the Governor of Ohio, to the Legislature of said State:

EXECUTIVE OFFICE, OHIO,

Columbus, January 31, 1840.

*To the Honorable General Assembly of Ohio:*

I have received from his Excellency the Governor of the State of Indiana, a joint resolution of the General Assembly of that State, approved on the 22d instant, making it the duty of the Chief Engineer of the State, to visit the seat of Government of Ohio, for the purpose, among other things, of urging upon your consideration the importance and necessity of a speedy completion of the Wabash and Erie canal, from the Indiana state line to the Maumee bay.

I have also received a communication from J. L. Williams, Esq., Chief Engineer of the State of Indiana, who has visited this city, in obedience to the above resolution, setting forth the importance to the State of Indiana, of the speedy completion of the above work by the State of Ohio. The above named resolution, together with the communication from Mr. Williams, are herewith transmitted to your honorable body; and your early attention is respectfully invited to the favorable consideration of the same.

Having but one copy of each of the above documents, they are transmitted to the House of Representatives.

I am, with great respect,

Your obedient servant,

WILSON SHANNON.



## REPORT.

COLUMBUS, January 30, 1840.

To his Excellency, WILSON SHANNON:—

Sir:—The legislature of Indiana by a joint resolution, approved on the 22d inst., directed the undersigned to visit the seat of Government of Ohio, for the purpose of urging upon the consideration of the Legislature, now in session, the importance and necessity of a speedy completion of the Wabash and Erie Canal, from the Indiana State line to the Maumee bay.

This duty, it is presumed, can be most appropriately and acceptably discharged, by submitting in this form, for the consideration of the executive and of the General Assembly, a statement, representing truly the progress made by Indiana in the construction of her division of the canal; the probable time of its completion; the extent to which the interests of her citizens are involved in the opening of this communication to Lake Erie, and the importance and probable amount of her commerce which will pass through this channel to a northern market.

Availing himself of the opportunity which has been afforded, through the courtesy of the Executive, the undersigned has the honor of addressing this communication to your Excellency, as the authorized organ of correspondence with the legislature.

It is deemed unnecessary to refer to the circumstances connected with the early history of this improvement, or to its great importance to the country at large, as a general thoroughfare—these considerations being now so fully understood and appreciated. Suffice it to remark that from its peculiar route and direction with respect to the boundary line of Ohio and Indiana, this canal could be constructed only through the mutual effort and co-operation of both States. From this peculiar circumstance has arisen the necessity of a frequent interchange of views and wishes between the legislative authorities of the two States, of which the resolution under which I have the honor to act, is one instance.

By the acceptance of the grant of land from the United States, the States placed themselves under obligations to construct the canal—the obligation being first to their own citizens, mutually, and secondly, to the nation at large, from whose common property, the public lands, so large a share of the expense was contributed.

In fulfilment of her part of this obligation, Indiana, as she was required to do by the terms of the grant, commenced the canal on the first of March, 1832; and as early as the fourth of July 1835, nearly five years since, the navigation of thirty-two miles was commenced, and has since that period been regularly maintained during the season of navigation. By the close of the year 1837, the work had so far progressed as to add fifty miles to the length of this navigation, and during the past year a further portion of eight miles was opened, making at the present time, a total navigation of ninety miles,

extending from Fort Wayne on the Maumee to Georgetown on the Wabash. The performance of labor to the value of \$134,000, consisting chiefly of the closing up of nearly finished contracts which will unquestionably be accomplished by October next, will complete the canal from the State line to Lafayette, opening at once a navigation one hundred and forty-four miles in length, connecting with the steamboat navigation of the Wabash, and extending into a well improved and very productive portion of the State. It should be observed, however, that the unfinished work east of Fort Wayne can readily be finished by first June next, which will open a navigation, at that earlier date, of one hundred and ten miles, extending west from the Ohio State line.

The expenditures made by Indiana, including the work done up to the present date, amounts to \$2,138,000: to which add the cost of finishing the canal, to wit: \$134,000, and it will give \$2,272,000, as the total investment, which must remain wholly unproductive as to revenue, and measurably useless to the community, until an outlet to Lake Erie shall have been opened through the State of Ohio.

In addition to the interest on the capital invested in the canal, which at six per cent. would amount to \$136,320 annually, the citizens of Indiana sustain a further inconvenience and loss, in the want of a communication to a northern market, to which I beg to refer, in general terms. During the year 1833, the Wabash river, which now forms the only channel of conveyance for the surplus products of this valley, did not rise sufficiently to render it navigable. The crop of that year, after having been loaded into flat boats, was to a great extent, necessarily removed therefrom at a late period in the season, and taken by land carriage to such markets as could be found, at a great sacrifice of its value. Although an entire failure of the Wabash navigation, such as is here noticed, is not a frequent occurrence, yet the passage of boats is often delayed to a period in the season so late as to lessen materially the value of the exports in the New Orleans market. The amount of the loss thus sustained, for the want of a certain navigation, would, from its nature, be difficult to estimate, with any degree of certainty. Some idea of it may however be formed by considering the large amount of property that is annually subjected to this hazard. It has been stated by those most competent to form an estimate, that during one season, 150,000 hogs have been packed at the several points on the Wabash between Logansport and Vincennes. The item of pork alone would, therefore, exceed in value a million of dollars annually, to say nothing of the various articles of surplus production besides, which are now forced to seek a market through this river, but the value of which the undersigned has no means of estimating with certainty. A further inconvenience and expense is sustained by this section of country in procuring the necessary supplies of merchandize, salt, &c. During the summer and fall seasons, when the Wabash and Ohio rivers are low, merchandize is necessarily brought by wagons from the south end of Lake Michigan to the towns on the Wabash, as far down as Terre-Haute, a distance of one hundred to one hundred and fifty miles.

The undersigned would here beg leave to submit to the General



Assembly an approximate estimate of the trade which will pass through the Ohio division of the canal, soon after its completion, from the country lying west of the State line.

That the capability of the Wabash Valley, for furnishing transportation, by means of its production and consumption, is equal to that of any other agricultural district of the west, with the same population, will probably not be questioned. For this trade the Wabash and Erie canal will form the natural, and in fact the only channel, so far as a northern market may be sought. From the first settlement of this valley, its citizens have anticipated the opening of this canal at no remote period, for which expectation they, perhaps, had sufficient grounds in the donation of land for this object, and the acceptance of this donation, with all its requirements, by the States. They have neither sought nor desired any other connection with Lake Erie, but on the contrary have located and constructed their common roads, to say nothing of their lateral canals and rail roads, some of which have been commenced, so as to concentrate their trade on this canal, as the main trunk. From this circumstance as well as from the directness of the route, the Wabash and Erie canal will not be subjected to a competition with other established channels of trade, as is often the case on the opening of a new work, but from the first will command the undivided commerce and intercourse between the Wabash country and the northern markets.

The district for which this canal will form the main channel of trade, may be described, as extending from the State line as far down the Wabash as the Grand Rapids, a distance of three hundred miles. The boundaries of the district on the south and south-east may be defined by a line pursuing generally the valley of the West fork of White river to the east line of the State, embracing nearly one-third of the surface between the Wabash and the Ohio rivers; and on the north and west by a line diverging from the Grand Rapids and extending about one-third the distance to the Illinois river on the west, and Lake Michigan on the north. The limits of this district, it will be perceived, are marked out with due reference to the influence of the Ohio navigation on the south, and of the Illinois river and Lake Michigan on the west and north, as rival channels of commerce. The district thus described contains a surface equal to thirty-eight counties in Indiana, and nearly nine counties in Illinois, including an aggregate area of 22,000 square miles. The population of this district in 1839, as nearly as can be estimated from official reports of the State officers, was about 270,000, averaging  $12\frac{1}{2}$  persons per square mile. Allowing for the increase of population at the usual rates in similar districts, the average by 1841, (the time when it is supposed the navigation might be opened to the Lake,) will be increased to about 15 per square mile.

The tonnage which the trade of this district will furnish for transportation, can be more accurately computed by comparison with another agricultural district of a given extent, where the tonnage has been carefully ascertained. Fortunately for this investigation, observations of this nature have been made on the trade of a portion of the

Miami valley, with a degree of care which entitles the result to confidence as a standard of comparison.

The total trade of the Miami canal, in both directions, for the year 1838, as shown by the collector's books, amounted to 54,000 tons. The superintending engineer of the Miami canal in 1838 (known to be a competent and accurate officer) ascertained by investigation and inquiry, that this tonnage was furnished from a total extent of country of about 1,612 square miles. By reference to official documents, it has been ascertained that the population of this district, in 1838, averaged about 60 persons per square mile.

Taking this result as the basis, and estimating therefrom the trade of the Wabash and Erie canal, keeping in view the proportion between the two districts, both in their extent and their average population, we have 184,244 tons as the total trade of the Wabash district. This district, however, having been more recently settled than the Miami district, there is probably a smaller proportion of the population engaged in producing. This circumstance will diminish the exports, but can have no material effect upon the imports. A deduction of 18 or 20 per cent. will probably account for any difference in the production of the two districts, arising from this cause, which will leave about 150,000 tons as the aggregate trade of the Wabash district.

That the whole trade of this district will pass through the Wabash and Erie canal, is not to be supposed. The pork, and perhaps other agricultural products of the lower part of the district, where the White river as well as the Wabash, furnishes a comparatively good flat boat navigation in the spring, will, during favorable seasons, take this mode of conveyance by the Mississippi route, to a southern market. Heavy groceries likewise, will still be brought into this district from the south by the steam boat navigation of the Wabash during some seasons of the year. But as an offset, in part, to this diversion of the trade, it may safely be assumed, that not only the whole of the area, included in this estimate, but a considerable extent of country beyond its limits, will be wholly supplied with New York salt, through the canal and the down stream navigation of the Wabash river. The extent to which this article has displaced the Kenhawa salt in the Scioto valley, by the opening of the Ohio canal, warrants this expectation. From a careful consideration of the whole subject, comparing the position of the Wabash valley with that of the Scioto valley, and having some reference to the actual division of the trade of the latter, between the northern and southern markets, the undersigned feels warranted in the conclusion, that as much as two-thirds of the whole tonnage of the Wabash district, will pass through the Wabash and Erie canal. This will give 100,000 tons annually, as the probable amount of trade which will pass through the whole length of the Ohio division of the canal, from the states lying west of Ohio, so soon as the work can be put in full operation; which trade will increase annually with the improvement of the country.

By the terms of the compact between the states, the State of Ohio is authorized to levy upon the commerce of Indiana, the same toll that



is charged on her other principal canals. The existing rates of toll on the Miami canal, taking the various articles of transportation paying different rates, in the proportion reported for 1839, amount, to an average for the whole transportation, of two cents per ton per mile. Each ton of Indiana trade passing through the Ohio division of the Wabash and Erie canal, 87.27 miles in length, would therefore pay to the state of Ohio one dollar and seventy-five cents, which on the trade of 100,000 tons, would yield a total revenue of \$175,000. Deducting \$35,000 for repairs, collection of tolls, &c., equal to \$400 per mile, will leave a nett revenue of \$140,000 from the trade of Indiana and Illinois alone, which is equal, independent of the value of the lands, to seven per cent. on the whole cost of the Ohio division, taking it at \$2,000,000, as estimated by the Ohio Board of public works, in their annual report of December 30, 1839.

To the foregoing estimates should be added the tolls to be derived from the trade, to be collected by the canal from the territory of Ohio through which it passes, and particularly from the increased business which will ultimately be thrown upon it by the completion of the Miami canal, the amount of which is of course better known to the members of the legislature, than it can be to an individual residing without the limits of the state. The undersigned has purposely refrained from presenting estimates of business to be derived from any other district than that which has come under his notice in the discharge of his duties, in the service of Indiana.

In the preceding computations, the undersigned has considered the canal as extending no further down the Wabash than Lafayette. It should be observed, however, that the State of Indiana, under the act of Congress of March 2, 1827, has completed the selection of lands for the extension of the canal to Terre Haute, an additional distance of ninety miles; that the Attorney General of the United States has decided the state to be entitled to these lands, and the confirmation of the selections by Congress, which is expected during the present session, will bind the State of Indiana to complete this extension of the canal by the year 1847, which will have the effect to divert a greater proportion of the Indiana trade from the southern to the northern route.

Nor has any reference been had in the estimates presented, to the lateral canals, connecting with the Wabash and Erie canal, and extending as branches to the main trunk, into other portions of the state, which have been commenced by Indiana, and which, at a future day, will still further enlarge the commerce of the main line.

From the particular position of the eastern section of the Wabash and Erie canal, as the out-let for other improvements, and the great extent of country for whose commerce it must be the channel, a higher rank in public estimation has generally been assigned it, in respect to its revenue, than to most other canals of the country. A more particular investigation of the subject, the results of which have here been presented, sustains this common sentiment, formed merely from general observation.

Although the undersigned has considered it his duty to ascertain as nearly as practicable, the future revenue of the canal, yet he would here take occasion to remark, that this consideration is not presented as being necessary to secure for the object in view, the favorable action of the authorities of Ohio. Under the peculiar relations existing between the two states, in reference to this work, he would feel safe in resting the case upon other grounds. Even if the canal promised to be far less productive than has been supposed, still from the character of the people of Ohio, the undersigned cannot doubt that considerations of a different nature, growing out of the mutual obligations of the states; of their identity of interest and policy; of public spirit, justice and comity, would yet secure a favorable response from that state. It is, however, a source of gratification to the legislature and people of Indiana, to feel assured of the fact, rendered odvious by the foregoing estimate, that, while the state thus solicits, at the hands of the General Assembly of Ohio, the speedy completion of the work, as essential to her own prosperity, she is only urging a measure that must be mutually beneficial; that she is asking of Ohio nothing which can result in an unprofitable investment of her funds—nothing but will, it is presumed, be deemed reasonable and just.

With the highest regard,

Your Excellency's obed't servant,

J. L. WILLIAMS.

*A Joint Resolution in relation to operations on the Wabash and Erie Canal, to secure the speedy completion thereof, and for other purposes:*

*Be it resolved by the General Assembly of the State of Indiana, That it shall be the duty of the Chief Engineer of the State, if his services can be dispensed with in the duties of his office, if not, then the President of the Board of Internal Improvement or one of the members thereof, to proceed immediately to the seat of government of the State of Ohio, and in a respectful manner, to urge upon the consideration of the members of the legislature of that state, the necessity of a speedy completion of the Wabash and Erie canal, from the Indiana state line to the Maumee bay, in compliance with the compacts heretofore made between the two states in relation thereto, wherein Indiana yielded to Ohio a quantity of valuable lands, and amply sufficient when sold and realized, to construct said portion of said canal. And to make known the great losses and injuries to be sustained by Indiana, should Ohio longer continue to delay the completion of her portion thereof. And further, to represent the injustice done to Indiana, by constructing that part of said canal lying between the Auglaize river and the Indiana line, narrower than it is constructed from said line to Fort Wayne, by Indiana, and narrower than it is constructed from said Auglaize river to Lake Erie; which portion is thus far much neglected, and, from present appearances will not be completed so soon by two or three years, as the balance thereof, to the Lake, will be finished in*



Ohio. And to represent that 150 miles of this canal in Indiana, now nearly completed, and costing nearly two millions of dollars, will be comparatively unproductive and valueless, until its connexion with Lake Erie is consummated by Ohio finishing her portion thereof.

*Be it resolved*, That His Excellency the Governor, be requested to forward a copy of the foregoing joint resolution to His Excellency the Governor of Ohio, with the request that he may lay the same before the legislature of that state, and solicit their co-operation in effecting, in both states, a speedy completion of so immensely important a thoroughfare as that of the Wabash and Erie canal.

J. G. READ,

*Speaker H. of Reps.*

DAVID HILLIS,

*Pres't of Senate.*

Approved, January 22, 1840.

DAVID WALLACE.

Mr. Thompson moved that the Senate take up the bill of the House of Representatives, dissolving the board of public works.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Carnan, Carr, Cathcart, Chamberlain, Clark, Cravens, Dobson, Finch, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams, and Wright, 38.

*Those who voted in the negative were,*

Messrs. Arion, Bowen, Elliott, Ewing of Cass, Ewing of Allen, and Stafford—6.

So said bill was taken up.

Mr. Ewing of Allen, moved to amend said bill, by striking out all of said bill except so much as provides for the electing one fund commissioner.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. J., Bowen, Clark, Ewing of Allen, and Stephenson—5.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Brady, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Elliott, Ewing

Finch, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smiley, Smith, Stafford, Tannehill, Thompson, Tuley, Watt, Watts, Williams, and Wright—40.

So said parts of said bill were not stricken out.

Mr. Ewing of Cass moved to amend the 2d and 5th sections as follows:

That the said members of the present board of public works, as well as the members of the present board of fund commissioners be, and they are hereby required to settle up, and to pay over to the proper person or persons authorized to receive the same, all sums due by them to the State on the 1st of March next, all of which balances shall be paid in money.

On motion of Mr. Dobson, said amendment was amended by striking out first of March, and inserting 20th of April.

And said amendment as amended was adopted.

The question recurring on striking out the original bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Stafford, Stephenson, Tannehill, Watt, Watts, and Williams—23.

*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Smiley, Smith, Thompson, Tuley, and Wright—22.

So said bill was stricken out.

Mr. Ewing of Cass, moved to amend said amendment as follows:

That from and after the first day of March next, the services of Samuel Lewis, Esq., present member of the board of public works, shall be no longer required, and that Jesse L. Williams, chief engineer, shall be in addition to his present office of chief engineer, acting commissioner on the Wabash and Erie canal,

And that the president of the board of internal improvement and the chief engineer, shall constitute the board of public works.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Brady, Carr, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kennedy, Lane, Lowe, Nave, Nickel, Smiley, Tannehill, Thompson, Tuley, Watts, and Wright—23.



*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Bowen, Carnan, Clark, Elliott, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Watt, and Williams—19.

So said amendment to the amendment was adopted.

Mr. Thompson moved to amend said amendment by striking out the 4th section thereof and inserting the following:

From and after the passage of this act, the present board of fund commissioner be, and the same is hereby dissolved; and there shall be elected by a joint viva voce vote of the two Houses of the General Assembly of Indiana, one fund commissioner, who shall perform all the duties, and have all the powers that are granted to and required of the present board of fund commissioners, and shall give bond under the same provisions and restrictions now required of the present members of the board of fund commissioners.

And on motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Cathcart from the committee on the judiciary, made the following report:

Mr. PRESIDENT—

The committee on the judiciary to whom was referred a bill of the Senate No. 150, entitled a bill to amend an act to amend the several acts for the collection of the revenue, and to repeal an act to provide a fund to encourage common schools, approved February 2d, 1832, and an act in furtherance thereof, (approved February 7, 1835,) approved February 18, 1839, have had the said bill under consideration, and have directed me to report the same back to the Senate and to recommend its passage.

Said bill was read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Thompson, chairman of the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill, No. 77, entitled a bill for the benefit of Mariah T. Rush of Dearborn county have, after consideration, made one amendment, to wit: strike it out from the enacting clause, and insert the following provisions;

Which report was concurred in, and the amendment considered as engrossed, and the bill read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Thompson, chairman of the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill of the House No. 1, entitled a bill to abolish imprisonment for debt have, after consideration, instructed me to report, that inasmuch as the session is drawing to a close, and other very important measures demanding prompt legislative action are pending, your committee (all circumstances considered) recommend that the consideration of said bill be postponed until the first Monday in December next, to which the concurrence of the Senate is requested.

The question being on concurring in said report;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bowen, Cravens, Elliott, Ewing of Allen, Green, Hargrove, Kennedy, Lane, Lowe, Morgan, Nave, Riley, Stafford, Stephenson, Thompson, Tuley, Watt, and Watts—22.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Bell, Berry, Brady, Carr, Carnan, Cathcart, Clark, Dobson, Ewing of Cass, Finch, Hackett, Herriott, Moffatt, Mount, Nickel, Smiley, Smith, Tannehill, Williams, and Wright—21.

So said report was concurred in, and said bill was postponed.

On motion of Mr. Brady,

Resolved, That the fund commissioners be requested to lay before the Senate a succinct statement of all their contingent or incidental expenses and per diem compensation, as such fund commissioners, during the past year, and up to the present time.

Mr. Dobson moved to amend said resolution as follows:

And that said commissioners state whether they have employed any agents in Europe or elsewhere, in the negotiation of loans, or business connected therewith, and what fees, commissions or moneys, have been paid them;

Which motion prevailed, and said resolution was so amended.

Mr. Lane moved that the rules of the Senate be suspended, and that the bill providing for payments to the branches of the State Bank for moneys advanced to contractors on the public works, be taken up.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Beard of M., Bowen, Brady, Carnan, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Herriott, Lane, Moffatt, Morgan, Riley, Smith, Stafford, Tuley, Watt, Watts and Williams—22.



*Those who voted in the negative were,*

Messrs. Armstrong, Baird of St. Joseph, Bell, Berry, Carr, Cathcart, Chamberlain, Clark, Finch, Green, Hackett, Hargrove, Kennedy, Lowe, Mount, Nave, Nickel, Smiley, Stephenson, Tannehill, Thompson, and Wright—22.

The president voted in the affirmative.

So said bill was taken up.

Mr. Armstrong moved to refer said bill to a select committee.

Mr. Dobson moved to refer to the committee on the State Bank.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Green, Herriott, Lane, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt, Watts, and Williams—28.

*Those who voted in the negative were,*

Messrs. Armstrong, Carr, Cathcart, Chamberlain, Clark, Finch, Hackett, Hargrove, Kennedy, Lowe, Nave, Nickel, Smiley, Thompson, and Wright—15.

So said bill was committed to the committee on the State Bank.

Mr. Hargrove introduced a bill entitled,

No. 157, a bill to re-locate a state road in the counties of Gibson and Pike,

Which was read a first, second, and third times and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Thompson, Chairman of the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of House No. 223, entitled a bill to authorize the circuit court of Spencer county to hold an additional term have, after examining its provisions, made one amendment, to wit: Strike out from the enacting clause and insert the following amendment.

Said amendment was concurred in, and the bill read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Bowen, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred an engrossed bill of the House No. 45, entitled, an act to amend an act subjecting real

and personal estate to execution, approved February 4th, 1831: Also, two other bills of the Senate on the same subject, and according to order have had the same under consideration, and have directed me to report the same back to the Senate, with one amendment; that is, to strike out from the enacting clause, and insert the following, in which they most respectfully ask the concurrence of the Senate.

Mr. Bowen moved to concur in said amendment.

On motion of Mr. Elliott, said bill was amended by adding an additional section.

On motion of Mr. Carnan, said bill was amended as follows:

This act shall cease to operate from and after the first day of March 1841, and be null and void.

The question being on concurring in said report;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Bell, Berry, Bowen, Brady, Carr, Cathcart, Chamberlain, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Moffatt, Mount, Nave, Nickel, Smiley, Smith, Stafford, Stephenson, Tannehill, Watts and Wright—26.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Carnan, Clark, Cravens, Green, Hackett, Herriott, Kennedy, Lane, Morgan, Riley, Thompson, Tuley, Watt and Williams—16.

So said report was concurred in.

Mr. Dobson moved to amend said bill as follows:

And whenever any debtor is not able or neglects to take the stay, his or her property shall be sold on the same credit for which he might have taken the stay; but in such case, the officer making sale, shall take bond and security from the purchaser, which shall have the effect of a judgment, and execution may issue upon the same as in other cases, and no stay shall be allowed thereon.

On motion of Mr. Herriott, said amendment was amended as follows:

And that said bonds taken as aforesaid shall be filed by the officer taking the same, with the clerk or justice issuing the execution at the same time of returning the execution.

And the amendment as amended was adopted.

On motion of Mr. Lowe, said bill was amended as follows:

Provided that none of the provisions of this act shall extend to any corporation, bank or savings institution.

On motion of Mr. Bowen, the amendments were considered as engrossed, and the bill read a third time.

The question being on the passage of said bill;

The ayes and noes being ordered,



*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Ewing of Allen, Finch, Moffatt, Mount, Nave, Nickel, Smiley, Smith, Stafford, Stephenson, Tannehill and Watts—23.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Berry, Carnan, Clark, Cravens, Elliott, Green, Hackett, Hargrove, Herriott, Kennedy, Lane, Lowe, Morgan, Riley, Thompson, Tuley, Watt, Williams and Wright—21.

So said bill passed.

The following message was received from the House of Representatives, by Mr. Parker a member:

Mr. PRESIDENT—

I am directed by the House to inform the Senate that the House have passed engrossed bill,

No. 356, entitled an act to amend the law concerning domestic attachment passed at the present session, and for other purposes;

In which the concurrence of the Senate is respectfully requested.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have adopted the following resolution, to wit:

*Resolved*, That the clerk of the House of Representatives be instructed to respectfully request the Senate to return a bill of the House passed on this day and reported to the Senate, entitled an act supplemental to an act to amend the law concerning domestic attachment, and for other purposes.

On motion of Mr. Kennedy, the Senate consented to return said bill.

Mr. Williams, from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill incorporating the city of Richmond, have had the same under considera-

tion, have made the following amendments, in which they ask concurrence of the Senate, and recommend the passage of the bill.

And said amendments were concurred in.

Mr. Williams moved to re-consider the vote restricting the jurisdiction of the mayor of said town;

Which motion prevailed, and said vote was re-considered.

And the bill amended by striking out the words "the county of Wayne."

And said bill was read a third time and passed.

Mr. Chamberlain asked and obtained leave to withdraw a certain town plat.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed engrossed bills of the Senate,

No. 140, an act to authorize the election of a justice of the peace and a constable in the town of New Trenton in the county of Franklin;

No. 141, an act to change the name of Jacob Henry Hamburg;

No. 142, an act to change the route of the New Albany and Princeton state road within the limits of Levenworth, Crawford county,

Each without amendment.

Also bills of the House of Representatives,

No. 326, an act to legalize the recording of the town plat of Marion;

No. 327, an act to authorize certain officers to make certain re-entries of judgments or papers therein named;

No. 328, an act to incorporate the Adelphian Literary society of Rockville;

No. 329, an act to incorporate the Clonian band of Rockville;

No. 333, an act to give the board of commissioners of Spencer county jurisdiction over a certain portion of Warrick county;

No. 336, an act to repeal an act to incorporate the Noblesville insurance company;

No. 247, an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek in Dearborn county;

Also the House have concurred in amendments of the Senate to bills of the House,

No. 7, an act providing for an uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a standard bushel in this state,

No. 62, an act to amend an act entitled, an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838,

No. 94, an act declaring certain names therein misprints;



No. 146, an act to encourage the raising of sheep and hogs, and to increase the revenue of the state and the wealth of the people;

No. 181, an act to authorize the relocation of the state road passing through the town of Rising Sun in the county of Dearborn;

No. 204, an act to incorporate the Lawrenceburgh and Napoleon turnpike company;

No. 250, an act to repeal an act entitled an act to locate a state road from New Albany in Floyd county to Charlestown in Clarke county, approved Dec. 20, 1838;

Also the House of Representatives refuse to concur in amendments of the Senate to bill of the House,

No. 8, an act to recover the value of sheep killed by dogs.

Bills Nos. 326, 327, 328, 329, 336 and 333 in said message, were read a first, second and third times and passed.

Bill No. 247, was read a first and second times.

And on motion of Mr Watts, referred to the committee on corporations,

The Senate receded from their amendments to bill No. 8.

The Senate took up bills on their second reading.

Bill of the House of Representatives, entitled,

No. 72, a bill to provide for the election of a justice of the peace in the town of Alexander in Madison county

Was read a third time and passed.

Bill of the Senate, entitled,

No. 93, a bill for the relief of Minerva Ann McClay of Marion county, was read a second time.

On motion of Mr. Kennedy, said bill was indefinitely postponed.

Bill of the Senate No. 88, a bill to prohibit the issuing or circulating small notes, commonly called shin plasters, was read a second time.

Mr. Morgan moved to lay said bill on the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Clark, Elliott, Hackett, Morgan and Stafford—10.

*Those who voted in the negative were,*

Messrs. Angle, Carnan, Carr, Cathcart, Chamberlain, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Green, Hargrove, Herriott, Kennedy, Lane, Lowe, Moffatt, Mount, Nave, Nickel, Riley, Smiley, Smith, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams and Wright—30.

So said bill was not laid upon the table.

Mr. Stephenson moved to amend said bill by striking out the word "circulating."

Mr. Bell moved that said bill be committed to a select committee; Which motion did not prevail.

Mr. Cravens moved to amend said bill so as to provide that it shall apply to individuals, companies or corporations issuing small bills within this state;

Which motion prevailed.

And said bill was read a third time and passed.

*Ordered,* That the House of Representatives be informed thereof.

Mr. Kennedy presented the following protest:

The undersigned protests against the passage of a bill entitled an act to incorporate the city of Richmond;

Because said bill was read three times by the title, and was passed without having been at any time read in the Senate, although the undersigned called for the reading said bill through on its passage, but the Senate refused to have it read through at any time.

ANDREW KENNEDY.

Bill of the Senate, entitled,

No. 90, a bill extending relief to borrowers of common school, seminary, college and sinking funds,

Was read a second time.

Mr. Stephenson moved that said bill be laid upon the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Carr, Cathcart, Clark, Cravens, Dobson, Elliott, Ewing of A., Green, Hackett, Hargrove, Herriott, Kennedy, Lane, Morgan, Riley, Smiley, Stephenson, Tannehill, Thompson, Tuley and Watts—26.

*Those who voted in the negative were,*

Messrs. Bell, Berry, Brady, Carnan, Chamberlain, Ewing of Cass, Finch, Lowe, Moffatt, Mount, Nave, Nickel, Stafford, Watt and Williams—15.

So said bill was laid upon the table.

Bill of the Senate, entitled,

No. 50, a bill to amend an act entitled an act pointing out the mode of levying taxes, and fixing the per centum for state purposes, approved Feb. 15, 1839,

Was read a second time.

Mr. Thompson moved to lay said bill upon the table;



The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Brady, Carnan, Carr, Clark, Cravens, Dobson, Green, Hargrove, Herriott, Kennedy, Lowe, Moffatt, Morgan, Nave, Nickel, Riley, Smiley, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts and Williams—31.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Chamberlain, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hackett, and Mount—8.

So said bill was laid upon the table.

Bill of the Senate, entitled,

No. 103, a bill to amend the act regulating the writ of ad quod damnum, approved Dec. 20, 1823,

Was read a second and third times, and on the question, shall the bill pass?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Berry, Bowen, Carnan, Carr, Clark, Cravens, Elliott, Green, Herriott, Lowe, Morgan, Mount, Tannehill, Thompson, Watts and Williams—20.

*Those who voted in the negative were,*

Messrs. Bell, Brady, Chamberlain, Dobson, Ewing of Allen, Hackett, Hargrove, Kennedy, Nave, Nickel, Riley, Stafford, and Tuley—13.

So said bill passed.

Ordered, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have concurred in the amendments of the Senate to bill of the House,

No. 280, an act relative to the New Albany and Vincennes McAd-amized road, and for the better regulation thereof.

The joint committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills which originated in the Senate, of the following titles, to-wit:

No. 133, an act for the relief of Eldred Huff, collector of Hendricks county,

No. 52, an act defining the boundaries of Jay county,

No. 148, an act to amend the several acts for the promotion of schools and education in Clark's Grant, and in reference to the school fund in Clark county,

A memorial and joint resolution to the Congress of the U. States on the subject of the Cumberland road,

And find the same truly enrolled.

The following message was received from the Governor by Mr. Moore, his private secretary:

Mr. PRESIDENT—

I am directed by the Governor to inform the Senate that he did on yesterday approve and signe bills which originated in the Senate, entitled acts as follows:

An act in relation to such writs, &c. as may have issued or shall issue from the clerks of the circuit courts in Laporte, Porter and Lake counties,

An act amendatory to an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 17, 1838,

And a joint resolution, entitled,

A joint resolution for the benefit of Gibson and Dubois counties.

And on motion, the Senate adjourned.

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THURSDAY MORNING, FEB. 20.

The Senate assembled.

The President laid before the Senate the following communication from the President of the State Bank:



OFFICE STATE BANK OF INDIANA,  
Indianapolis, Feb. 13, 1840.

To the Hon. the Senate:

In reply to that part of the inquiry of the Senate, referred again to the undersigned, I have to state that my former reply embraced every thing in my power to exhibit on the subject from the books of this office. The operations between the Branches and the Improvement or Fund Board, being directly between the parties, without the time of payment being definitely reported to this office.

To furnish the Senate with the information desired, distinctly as to date and amount, I immediately addressed the subjoined inquiry to the office of the Fund Commissioners, and beg leave to submit the reply from that office, herewith transmitted.

S. MERRILL, Pres't.

STATE BANK, Indianapolis Feb. 13, 1840.

W. S. Hubbard, Esq., Sec'y F. C.

Sir; To enable me to furnish information required by the Senate, with certainty and without delay, will you please inform me what amount of advances made by the Branches to the Board of Internal Improvements, was made after the 7th day of August 1839, and specify the amount advanced by each Branch respectively. Yours respectfully,

S. MERRILL, Pres't.

S. Merrill, Esq., Pres't State Bank:

Sir: In reply to your inquiry of this date, I have to state that the following are the only payments which I can ascertain to have been made on the public works by any of the Branches of the State Bank after the information of 7th August, could have been received by them, to wit:

|                           |             |
|---------------------------|-------------|
| By Evansville Branch Bank | \$22,210 93 |
| Terre Haute               | 6,652 25    |

|                          |           |
|--------------------------|-----------|
| Total amount of advances | 28,863 18 |
|--------------------------|-----------|

It may be proper however to add that the following payments were made by Branches having funds deposited with them for that purpose, after said date, to wit:

|                     |            |
|---------------------|------------|
| Madison Branch Bank | \$2,385 60 |
| Fort Wayne "        | 1,600 00   |
| Lawrenceburgh "     | 5,538 26   |

9,523 86

Very respectfully,  
WM. S. HUBBARD, Sec'y.

Which was read and laid on the table.

The President laid before the Senate a communication from the Board of Fund Commissioners, on the subject of the securities taken on state bonds sold and the value of the same.

On motion of Mr. Kennedy, the Senate ordered 500 copies of said report to be printed.

Mr. Cravens moved that the Senate take up the bill dissolving the present Board of Internal Improvement and the Board of Fund Commissioners;

Which motion prevailed.

And said bill was taken up.

Mr. Thompson moved to amend said amendment by striking out the 4th section thereof, and inserting the following:

From and after the passage of this act the present Board of Fund Commissioners be and the same is hereby dissolved, and there shall be elected in the same manner as bank directors are elected, one Fund Commissioner, who shall perform all the duties and have all the powers that are granted to and required of the present Board of Fund Commissioners, and shall give bond under the same provisions and restrictions now required of the present Board of Fund Commissioners.

Mr. Bell called for a division of the question;

And the question being on striking out;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Berry, Brady, Carr, Cathcart, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Lowe, Nickel, Smiley, Stafford, Thompson, Watt and Wright—19.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Bowen, Carnan, Clark, Cravens, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stephenson, Tannehill, Tuley, Watts and Williams—23.

So said section was not stricken out.

Mr. Thompson, chairman of the judiciary committee, made the following report:

Mr. PRESIDENT—

The committee on the judiciary to whom was referred a bill No. 156, entitled a bill to amend an act to incorporate the town of Rome in Perry county, have made an amendment, to wit: add the following; to which the concurrence of the Senate is requested.

Said amendment was concurred in.

And the bill read a third time and passed.



*Ordered*, That the House of Representatives be informed thereof.  
Mr. Watts, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred an engrossed bill of the House of Representatives entitled No. 247, an act to authorize D. J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek in Dearborn county, have had the same under consideration and directed me to report the same back to the Senate with one amendment, and ask their concurrence therein.

Said amendment was concurred in.

And the bill read a third time and passed.

Mr. Bowen having obtained leave, introduced a joint resolution, entitled,

No. 158, a joint resolution relative to saline and Seminary lands; Which was read a first, second and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

Bill of the Senate, entitled,

No. 91, a bill to incorporate the Leesburgh school society,

Was read a second and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Ewing of Allen introduced a joint resolution entitled,

No. 169, a joint resolution relative to the money due in the eastern cities and states, for state bonds disposed of;

Which was read a first, second and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Ewing of Cass introduced a joint resolution entitled,

No. 160, a joint resolution providing for the payment of claims for damages on the Wabash and Erie canal;

Which was read a first and second times.

Mr. Stephenson moved to amend said joint resolution by striking out so much thereof as provides for the payment of said damages out of the first moneys received on account of the sale of Wabash and Erie canal lands.

On motion of Mr. Lane, said joint resolution was laid upon the table.

And on motion the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Stephenson, the Senate suspended the previous order of business and took up the bill re-organizing the board of public works and the board of Fund Commissioners.

Mr. Tuley moved to re-consider the vote taken on striking out the 4th section of Mr. Baird's amendment;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Berry, Brady, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Smiley, Thompson, Tuley, and Wright—22.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Carnan, Clark, Cravens, Elliott, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Watt, Watts and Williams—23.

So said vote was not re-considered.

Mr. Wright moved to amend said amendment as follows;

Sec. —. That the act of the last session of the legislature, appropriating four hundred thousand dollars on the Madison and Indianapolis rail road be, and the same is hereby repealed, and that the board of internal improvement are hereby directed not to furnish any state bonds for said appropriation, and if said bonds are now in the hands of any agent of the state or company, the said board of internal improvement are hereby directed to obtain said bonds and return them to the office of the Secretary of State to be cancelled and destroyed;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Riley, Smiley, Smith, Thompson, Tuley and Wright—18.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Carr, Clark, Cravens, Elliott, Herriott, Moffatt, Morgan, Mount, Nave, Nickel, Stafford, Stephenson, Tannehill, Watt, Watts and Williams—26.

So said amendment was not adopted.

Mr. Stephenson moved to amend said amendment by providing that the board of internal improvement shall discharge all engineers that may not be necessary for the public service.

Mr. Bell moved to modify said amendment as follows:

That the board of internal improvement shall discharge all assistant engineers and other agents, and the principal engineer shall not employ at any time more than one assistant or other agent, and that only at such times as it may be impossible for him to act in person.



Which amendment as modified was accepted by Mr. Stephenson.  
And said amendment was adopted.

Mr. Cathcart moved to amend said amendment as follows:

Sec. —. *And be it further enacted*, That that portion of an act for the immediate relief of contractors and others engaged on the public works, which authorizes "the expenditure of such small sums as may be necessary to protect or save from dilapidation or waste any portion of the public works" or any other portion of that act or any other law of this state, shall not be construed to authorize the letting of any contracts whatever on the public works, or the prosecution of those already let, except so far as it may be necessary for such contracts to be further prosecuted to save the same from dilapidation or waste; provided this section shall have no reference whatever to the Wabash and Erie canal east of the mouth of Tippecanoe river, nor to the improvement of the rapids of the Wabash river;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Riley, Smith, Tuley, Watts and Wright—18.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Bowen, Brady, Carnan, Carr, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Nickel, Stafford, Stephenson, Tannehill, Watt and Williams—25.

So said amendment was not adopted.

Mr. Dobson moved to amend said amendment as follows:

The four hundred thousand dollars now coming due from the Madison company for state bonds sold them last October, be and the same is hereby set apart and pledged for the redemption of the treasury notes issued to pay contractors for labor on the public works authorized by an act of the present General Assembly;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Cathcart, Chamberlain, Clark, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Riley, Smiley, Smith, Thompson and Wright—19.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Carr, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Nickel, Stafford, Stephenson, Tannehill, Tuley, Watt, Watts and Williams—27.

So said amendment was not adopted.

The question recurring on the adoption of the amendment as amended;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Clark, Cravens, Elliott, Ewing of Cass, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Watt, Watts and Williams—29.

*Those who voted in the negative were,*

Messrs. Carr, Cathcart, Chamberlain, Dobson, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Thompson, Tuley and Wright—15.

So said amendment was adopted.

Mr. Brady moved to amend said bill as follows:

That the members of the present or former Board of Internal Improvement, the members of the present or any former Board of Fund Commissioners, engineers and disbursing agents of every description whatever, are herein required to make an immediate settlement with the board of their several accounts up to the 1st of March, 1840, and it shall be the duty of the president of the board with the assistance of the principal engineer to attend all such settlements and make a certified report of the same to the Treasurer of State, whose duty it shall be to lay the same before the next legislature; and it shall hereafter be the duty of the Board of Internal Improvement, Fund Commissioners and Engineers, if any, to settle up their respective accounts annually;

Which amendment was adopted.

Mr. Cravens moved that the amendments be considered as engrossed, and the bill read a third time now;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Clark, Cravens, Elliott, Ewing of Cass, Ewing of Allen, Green, Herriott, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill Thompson, Tuley, Watt, Watts and Williams—32.

*Those who voted in the negative were,*

Messrs. Carr, Cathcart, Chamberlain, Dobson, Finch, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Smiley, and Wright—13.

So said motion prevailed.



And on the question, shall the bill pass?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Clark, Cravens, Elliott, Ewing of Cass, Ewing of Allen, Green, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watt, Watts and Williams—31.

*Those who voted in the negative were,*

Messrs. Carr, Cathchart, Chamberlain, Dobson, Finch, Hackett, Hargrove, Kennedy, Kinzer, Lane, Smiley and Tuley—14.

So said bill passed.

Mr. Kennedy moved that 100 copies of said bill be printed;  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Berry, Carr, Cathcart, Chamberlain, Dobson, Ewing of Cass, Finch, Green, Hackett, Kennedy, Kinzer, Lane, Lowe, Riley, Stephenson, Thompson, Tuley, Watts, Williams and Wright—20.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Nickel, Smith, Stafford, Tannehill, and Watt—23.

So said motion did not prevail.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills thereof, as follows, to wit:

No. 310, an act to provide for the sale of the Michigan road lands remaining unsold, and for other purposes;

No. 355, an act supplemental to an act to provide for the inspection of salt, beef, flour, pork and tobacco;

No. 358, an act for the benefit of the assessor of Lawrence county; In which the concurrence of the Senate is respectfully requested.

Bill No. 358 in said message, was read a first and second times.

On motion of Mr. Clark, said bill was amended and read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

No. 355 was read a first and second times;

On motion of Mr. Clark, referred to the committee on agriculture. No. 310, was read a first and second times, and referred to a select committee.

Ordered, That said select committee consist of Messrs. Brady, Ewing of Cass, Morgan and Beard of M.

Mr. Berry, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a petition, have had the subject matter under their consideration, and have directed me to report the following bill and recommend its passage.

Said bill, entitled,

No. 161, a bill for the relief of Julia Ann Adams,

Was read a first, second and third times;

The question being on the passage of said bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Carnan, Carr, Chamberlain, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Morgan, Nickel, Smiley, Stafford, Tannehill, Thompson, Tuley, Watt, Williams, and Wright—34.

*Those who voted in the negative were,*

Messrs. Bowen, Cravens, Mount, Nave, Smith, Stephenson, and Watts—7.

So said bill passed.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof as follows, to wit:

No. 321, an act to amend an act entitled an act pointing out the mode of levying taxes and fixing the per centum for state purposes, approved Feb. 15, 1839, and for other purposes;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time.

On motion of Mr. Stephenson, the rules of the Senate were suspended, and the bill read a second time now.



On motion of Mr. Armstrong said bill was committed to a committee of the whole, and made the special order of the day for to-morrow at 10 o'clock, A. M.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills and a memorial and joint resolution of the Senate as follows, to wit:

No. 52, an act defining the boundaries of Jay county;

No. 133, an act for the relief of Edward Huff, collector of Hendricks county;

No. 148, an act to amend the several acts for the promotion of schools and education in Clark's Grant, and in reference to the school fund in Clark county; and,

A memorial and joint resolution to the Congress of the U. States on the subject of the Cumberland road;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills,

Mr. Nave, from the committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills have this day presented to his Excellency the Governor, for his approval and signature the following enrolled bills which originated in the Senate, viz:

No. 133, a bill of the Senate, entitled an act for the relief of Eldred Huff, collector of Hendricks county,

No. 52, bill of the Senate, entitled an act defining the boundaries of Jay county,

No. 148, bill of the Senate, entitled an act to amend the several acts for the promotion of schools and education in Clark's Grant, and in reference to the school fund in Clark county, and,

A memorial and joint resolution to the Congress of the U. States on the subject of the Cumberland road,

All of which is most respectfully submitted.

On motion, the Senate adjourned.

FRIDAY MORNING, FEB. 21.

The Senate assembled.

The President laid before the Senate the following communication from the President of the State University at Bloomington;

Which was read and laid upon the table.

*To the General Assembly of the State of Indiana:*

In compliance with a resolution, adopted by the board of trustees of Indiana University, at the Sept. session thereof in the year 1839, directing the President of the board to memorialize the legislature on behalf of the board, for an appropriation of the saline funds to the endowment of a separate professorship in Indiana University for the education of teachers of common schools in Indiana, the undersigned respectfully presents the following memorial:

By the second proposition of the 6th section of an act of Congress, approved April 19, 1816, entitled "an act to enable the people of the Indiana Territory to form a constitution and state government and for the admission of such state into the Union on equal footing with the original states," it is provided that all the salt springs within the said territory, and the lands reserved for the use of the same, together with such other lands as may by the President of the U. States be deemed necessary and proper for the working of the said salt springs not exceeding in the whole the quantity contained in thirty six entire sections, shall be granted to the said state, for the use of the people of said state, and the same to be used, under such terms, conditions and regulations as the legislature of the said state shall direct; and whereas, Congress did subsequently by an act of said body, approved July 3, 1832, authorize the legislature of the said state, to dispose of said lands and apply the proceeds thereof, to the purposes of education in said state; and whereas, the legislature of this state, did by an act, approved February 2, 1833, appoint commissioners, clothed with full authority and power to sell said land with a view to raise funds for the purposes of education, in accordance with the true meaning and spirit of the acts of Congress, and the clear and unequivocal intention of the original donors; and whereas, a considerable fund, (now amounting to nearly twenty thousand dollars, as appears by the report of the Treasurer of State) has been raised by the sale of said lands, and the interest accruing on the money since said sale, and which now is and has for years past been lying dormant, so far as regards the promotion of the cause of education, it is deemed proper and expedient by the board of trustees of Indiana University, to call the attention of the legislature to this important subject, and to earnestly request them to appropriate the money arising from the sales of said lands to the endowment of a permanent and separate professorship in said institution, for the education, free of tuition fee, a competent number of teachers



of common schools, said professorship to be filled by the board of trustees of the University, yet to be under the direction and control of the President of the University, as the other professorships are now (to a certain extent.) The board feel confident that in making this recommendation, they are representing the best interests of the people of Indiana, and more especially the rising generation of children, those who are to be our successors as citizens and officers; those who are to assume upon themselves the weighty responsibilities of the faithful management of the destinies of the greatest and happiest nation on the face of the globe. They deem it unnecessary to say to a body so enlightened as the legislature of Indiana, that upon the virtue and intelligence of the people, depend more than on any other cause, the permanency and stability of our happy institutions; that the foundation of that virtue and intelligence are laid, first, and the deepest in the common schools of our country; it is there the minds of our youth are first moulded and fashioned. It is in the primary schools of the country where the first and most lasting impressions are made upon the tender mind for weal or for woe. How important then is it that the teachers of common schools, should be men of well cultivated minds, men whose morals are pure and unsullied; and what is so apt to accomplish both of those very important objects so effectually, as to educate them well, improve their minds, and their morals will, to a great extent, necessarily be good. It is certainly very important to the legislature, that some action should be had upon this subject. Some steps should be taken, and that speedily, for the accomplishment of that object, which of all others, in a free and enlightened community is most to be desired. Your honorable body have directed your attention with much laudable zeal, to the improvement of our natural resources and our physical condition, and the board would respectfully suggest the propriety of prompt and energetic action upon this important subject; indeed the board would respectfully suggest to your honorable body, that the true meaning and spirit of the acts of Congress, and our state legislature, have been violated by the non-action of the legislature heretofore in regard to this fund, and that the undoubted intention and laudable exertions of the original donors of this fund, have been neglected and condemned by a failure of a previous legislature to act upon this matter. The board would further suggest the propriety as an auxiliary in carrying out this great enterprise, to wit: the improvement of the condition of our common schools, the appointment of an officer similar to that of a superintendent of common schools for the state. The plan has been adopted in several of the states of this union. Ohio, Kentucky, Tennessee, and the young state of Michigan, with others, have all engaged successfully in this grand project. Shall Indiana longer remain indifferent to this important subject? Will she not expend a portion of her energies in the improvement of the intellectual powers of her citizens? The board confidently entertain the opinion that she will. We know the patriotism that actuates her legislators, will impel them to speedy and definite action upon this subject. The board will

not attempt to conceal the fact, that a contrariety of opinion exists in other states as to the most effectual and speedy plan of bringing about this great result, to wit: the improvement of the condition of our common schools by the education of teachers, yet they cannot forbear an opinion of their settled conviction, as to the propriety of the plan heretofore pointed out. The fact that the associations of those engaged in this department of science, would be with others whose exclusive attention is directed to the acquisition of knowledge would operate upon them as a great incentive to persevere in the laudable and interesting vocation in which they were embarked. It would be the mingling together of congenial minds, for their mutual improvement.

In addition to this the pleasure to be derived from the literary societies of Indiana University, their extensive library of choice books of science and history, the information to be derived incidentally (if the expression is allowed) from the intercourse with her professors, and the university exhibitions, and lastly, but not least, the advantages derivable from the University library itself, to the lover of, and seeker after science are incalculable. Here we have extensive buildings, and every other necessary preparation for the accommodation of a school of that character. Many other important advantages might here be mentioned (were it necessary) and the time of the undersigned would permit of their enumeration. In conclusion, if the wisdom of the legislature of Indiana, should impel them to adopt a plan different from the one suggested in this imperfect memorial, the board will still have left to them the pleasing reflection, that indirectly at least, they may have been instrumental in effecting some good to the community. Believing, as they most confidently do, that some such plan as has been proposed, must and soon will be adopted, and that the adoption of that plan will conduce greatly to the peace and harmony of our growing community and to the prosperity of our beloved institutions.

PARIS C. DUNNING,

Pres't. B. T. Ind. U.

Mr. Ewing of Cass offered for adoption the following resolution:

*Resolved*, That the resolution of the Senate passed at the session of 1837-8, condemnatory of the late Hon. John Tipton, U. S. Senator, be, and the same is hereby rescinded.

Mr. Bell moved to lay said resolution on the table;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Bell, Bowen, Clark, Herriott, Kennedy, Lane, Morgan, Mount, Smith, Stafford, Tuley, Watt, and Williams—14.

*Those who voted in the negative were,*

Messrs. Berry, Blair, Brady, Carnan, Carr, Cathcart, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Har-



grove, Kinzer, Lowe, Nave, Nickel, Stephenson, Tannehill, Watts and Wright—22.

Messrs. Armstrong, Baird of St. Joseph, Cravens, and Riley, were excused from voting.

So said resolution was not laid upon the table.

Mr. Thompson moved the previous question;

Which motion was seconded by a majority of the Senate.

And the question being, shall the main question be now put?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Baird of St. Joseph, Bell, Berry, Blair; Brady, Carnan, Cathcart, Clark, Cravens, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Mount, Nave, Nickel, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams and Wright—35.

*Those who voted in the negative were,*

Messrs. Armstrong, Bowen, Dobson and Kennedy—4.

So said question was ordered to be put.

Mr. Armstrong moved a call of the Senate;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Beard of M., Bell, Bowen, Carr, Cravens, Dobson, Morgan, Mount and Watts—12.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Joseph, Berry, Blair, Brady, Carnan, Cathcart, Clark, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt, Williams and Wright—30.

So said call of the Senate was not made.

The question being on the adoption of the resolution;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Berry, Blair, Brady, Carnan, Carr, Cathcart, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Nave, Stafford Tannehill, Watts and Wright—23.

*Those who voted in the negative were,*

Messrs. Angle, Bell, Bowen, Clark, Kennedy, Morgan, Mount, Smith, Thompson, Tuley, Watt and Williams—12.

So said resolution was adopted.

On motion of Mr. Lane, the Senate according to order resolved itself into a committee of the whole on the bill of the House of Representatives to amend an act entitled an act pointing out the mode of levying taxes and fixing the per centum for state purposes, approved Feb. 15, 1839, and for other purposes, Mr. Lane in the chair.

After considering said bill in committee, the committee rose, and the chairman reported the bill back to the Senate with one amendment thereto, and asked the concurrence of the Senate therein.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate,

No. 156, an act to amend an act to incorporate the town of Rome, Perry county, without amendment.

The following message was received from the House of Representatives by Mr. Harris, their Clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled bill of the Senate,

No. 156, an act to amend an act to incorporate the town of Rome in Perry county, approved Feb. 1, 1836,

I am directed to bring the same to the Senate for the signature of the president thereof,

And the President of the Senate signed said bills.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The question being on concurring in the report of the committee of the whole;

The amendment reported being to strike out the latter section of the bill.

The chair decided that but one amendment was reported to the Senate, and that but one amendment was pending, and that on that amendment the question of concurrence was to be taken.



Mr. Dobson took an appeal from the decision of the President on the ground that two amendments were pending, as follows:

1st. The amendment offered by Mr. Ewing of Cass to the two last sections of the bill was adopted.

2d, The two last sections of the bill were stricken out.

And on the question, is the decision of the chair correct?

It was decided in the affirmative.

Mr. Kennedy moved to amend so much of said bill as the report of the committee proposed to strike out, as follows:

Amend the 20th section; Strike out "by joint viva voce vote" and insert "by a separate viva voce vote of both houses, and that no person shall be considered elected until they obtain a majority of both houses."

Amend the 22d section in the same way as above;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Bell, Blair, Bowen, Berry, Carnan, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hackett, Hargrove, Herriott, Kennedy, Kinzer, Lane, Lowe, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stephenson, Thompson, Tuley, Watts, Williams and Wright—35.

*Those who voted in the negative were,*

Messrs. Angle, Beard of M., Berry, Carr, Nickel, Stafford, Tannehill and Watt—8.

So said amendment was so amended.

And the question recurring on concurring in the report of the committee of the whole, to strike out the latter sections of said bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Clark, Cravens, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Watt, Watts, and Williams—28.

*Those who voted in the negative were,*

Messrs. Carr, Cathcart, Dobson, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Thompson, Tuley and Wright—16.

So said report was concurred in.

Sec. 1. Mr. Ewing of Allen moved to amend said bill as follows:

That the board of public works shall hereafter consist of only two members, who shall receive for their services three dollars per day for every days service actually rendered, provided that the same shall not exceed one thousand dollars per annum for their services.

Sec. 2. Said board shall consist of the present President of said board, and the present chief engineer—said chief engineer shall keep an office on the line of the Wabash and Erie canal, and in addition to his duties as such chief engineer, he shall do and perform all the duties of the commissioner now in charge of said canal, and shall be the acting commissioner for the said Wabash and Erie canal in lieu of the present one—said commissioners to give bonds, and qualifying themselves as heretofore required by law, and to be subject to removal in like manner, except where satisfactory bonds may now be given.

Sec. 3. The chief engineer shall be permitted to continue so many assistants as the public service and interest may unavoidably require, and no more, and at such reduced salaries as may be agreed on by said board; for his services he shall receive one thousand dollars per annum which shall be in full for his services both as commissioner and engineer.

Sec. 4. The present board of fund commissioners is hereby dissolved; and in lieu thereof, there shall be elected by a separate viva voce vote of each branch of the General Assembly, a majority of each one being necessary to a choice; one fund commissioner to serve for four years, and discharge the duties of said former board, who shall receive a salary of one thousand dollars per annum, and all necessary expenses when on duty out of this State shall be allowed him—to give bond, and qualify himself and be subject to removal as heretofore required by law of fund commissioners.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Cathcart, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Stephenson, Thompson, and Tuley—15.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Clark, Cravens, Elliott, Hackett, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Tannehill, Watt, Watts Williams, and Wright—29.

So said amendment did not prevail.

Mr. Ewing of Cass moved to amend said bill by the addition of the following section in its proper place:

Sec. The board doing county business, county treasurer and assessor, shall meet at the seat of justice of each county on the second Monday of May annually, (or at any time thereafter upon application



being made by any person or persons interested, until the second Monday [of June following] who shall have power to hear and determine the complaint of any owner of property listed and valued by the assessor subsequent to the preceding first day of March, and shall correct any list or valuation as they shall deem proper, and shall have power to equalize the valuation made by the assessor, either by adding to, or deducting from his valuation, such sum as to them or a majority of them, shall appear just and equitable; provided that in all cases where the owner of property may feel himself aggrieved by said board of county commissioners, county auditor and assessor, in consequence of his property being by them valued too high, the said party thus aggrieved shall have the right of appeal to the circuit court for the county, and shall have the matter decided by a jury of twelve disinterested freeholders, as in other cases.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Blair, Ewing of Cass, Ewing of Allen, Finch, Hackett, Kennedy, Kinzer, Lane, Mount, Smith, Thompson, Watts, and Wright—14.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Carr, Cathcart, Cravens, Elliott, Green, Hargrove, Herriott, Lowe, Moffatt, Morgan, Nave, Nickel, Riley, Stafford, Stephenson, Tannehill, Tuley, Watt, and Williams—28.

So said amendment was not adopted.

Mr. Hargrove moved to strike out of said bill where it occurs, "thirty cents," as the amount to be assessed on each \$100 of valuation as state tax, and insert instead thereof "fifteen cents."

Mr. Kennedy proposed to insert five cents.

A division of the question being called for;

The question being on striking out;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Nave, Nickel, Thompson, Tuley, Watts, and Wright—18.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Cravens, Elliott, Ewing of Allen, Herriott, Lowe, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Tannehill, Watt, and Williams—24.

So said thirty cents were not stricken out.

Mr. Ewing of Allen moved to amend the 8th section of the bill, as follows:

And all foreign corporations who shall establish by agents or agent their offices or otherwise, or keep them employed in business in this State, shall pay for a license therefor the sum of eight thousand dollars per annum, to be issued by the Secretary of State, upon receiving the Treasurer's receipt for the above sum, except banking and other institutions which are prohibited from being established by the constitution and laws of this State.

Mr. Bell moved the previous question, which motion was sustained by a majority of the Senate,

And the question being, "shall the main question be now put?"

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Carnan, Cravens, Elliott, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, and Williams—21.

*Those who voted in the negative were,*

Messrs. Armstrong, Berry, Blair, Carr, Cathcart, Ewing of Allen, Finch, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Thompson, Tuley, Watt, Watts and Wright—19.

So said motion prevailed.

And the question being "shall the bill be read a third time now?"

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Cravens, Elliott, Ewing of Allen, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Tuley, Watt, Watts, and Williams—27.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Ewing of Cass, Finch, Hackett, Hargrove, Kennedy, Lane, Nickel, Thompson, and Wright—13.

So said bill was ordered to be read a third time.

And on the question—shall the bill pass?

Mr. Kennedy moved that the Senate adjourn.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Ewing of Cass, Finch, Kennedy, Kinzer, Lane, Thompson, Tuley and Wright—9.



*Those who voted in the negative were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Clark, Cravens, Dobson, Elliott, Green, Hackett, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Watt, Watts, and Williams—32.

So the Senate refused to adjourn.

Mr. Ewing of Cass, moved that the Senate adjourn.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Finch, Kennedy, Kinzer, and Wright—5.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Green, Hackett, Hargrove, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts and Williams—36.

So the Senate refused to adjourn.

Mr. Morgan moved the previous question; which motion was seconded by a majority of the Senate.

The question being—shall the main question be now put?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Clark, Cravens, Dobson, Elliott, Green, Herriott, Lowe, Moffatt, Morgan, Mount, Riley, Smith, Stafford, Stephenson, Tannehill, Watt, and Williams—27.

*Those who voted in the negative were,*

Messrs. Armstrong, Carr, Cathcart, Ewing of Cass, Finch, Hackett, Hargrove, Kennedy, Kinzer, Nave, Nickel, Thompson, Tuley, Watts, and Wright—15.

So said motion prevailed.

And the question being—shall the bill pass?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Clark,, Dobson, Elliott, Ewing of Allen, Herriott,

Moffatt, Mount, Riley, Smith, Stafford, Stephenson, Tannehill, Watt and Williams—23.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Carr, Cathcart, Cravens, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Morgan, Nave, Nickel, Thompson, Tuley, Watts and Wright—20.

So said bill passed.

Mr. Watts from the committee on agriculture, made the following report:

MR. PRESIDENT—

The committee on agriculture to which was referred a bill of the House No. 355, supplemental to an act to provide for the inspection of salt, beef, flour, pork and tobacco, have had the same under consideration, and have directed me to report the same without amendment, and recommend its passage.

Said bill was read a third time and passed.

Mr. Dobson, from the committee on claims, made the following report:

MR. PRESIDENT—

The committee on claims to whom was referred a bill of the House No. 231, have had the same under consideration, and have directed me to report it back, and recommend its passage.

Said bill was read a third time.

And on the question, shall the bill pass?

It was decided in the negative.

So said bill did not pass.

Mr. Ewing of Cass moved that the Senate adjourn;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Elliott, Ewing of Cass, Finch, Kennedy and Wright—5.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Cathcart, Clark, Cravens, Dobson, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watt, Watts and Williams—36.

So the Senate refused to adjourn.

Mr. Dobson, from the committee on claims, made the following report:



MR. PRESIDENT—

The committee on claims to whom was referred the petition of E. S. Hawly, have had the same under consideration, and are of opinion that said claim should be allowed, and have directed me to report the following resolution;

*Resolved*, That the committee of ways and means be instructed to allow E. S. Howly the sum of thirty-four dollars and eighty-four cents in the specific appropriation bill.

Said report was concurred in.

Mr. Dobson, from the committee on claims, made the following report:

MR. PRESIDENT—

The committee on claims, to whom was referred a bill of the House No. 240, have had the same under consideration, and have directed me to report it back to the Senate without amendment, and recommend its passage.

Said report was concurred in,

And the bill read a third time and passed.

Mr. Ewing of Cass moved that the Senate adjourn.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Carnan, Finch, and Lane—3.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Bowen, Brady, Carr, Cathcart, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Green, Hackett, Hargrove, Herriott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watt, Watts and Williams—35.

So the Senate refused to adjourn.

Mr. Dobson, from the committee on claims, made the following report:

MR. PRESIDENT—

The committee on claims to whom was referred a bill of the House No. 212, have had the same under consideration and have directed me to report it back to the Senate, and recommend its passage.

Said report was concurred in,

And the bill read a third time and passed.

Mr. Dobson, from the committee on claims, made the following report:

MR. PRESIDENT—

The committee on claims, to whom a resolution of the Senate was referred, instructing said committee to inquire into the expediency of allowing Jesse Cole twelve dollars, being the amount paid by him as tax on the north half of section No. 4, in township No. 15, range 3 east, through mistake. Your committee are of opinion that said claim should be allowed, and have directed me to report the following resolution:

*Resolved*, That the committee on ways and means be instructed to allow Jesse Cole twelve dollars in the specific appropriation bill.

Said report was concurred in.

Mr. Dobson, from the committee on claims, made the following report:

MR. PRESIDENT—

The committee on claims, to whom was referred a bill of the House No. 282, have had the same under consideration, and have directed me to report it back to the Senate, and recommend its passage.

Said report was concurred in,

And the bill read a third time and passed.

Mr. Arion, from the committee on the State Bank, made the following report:

MR. PRESIDENT—

The committee on the State Bank, to whom was referred a bill to provide for the payment of the debt of the state to the branches of the State Bank of Indiana, have according to order, had the same under consideration, and directed me to report the same back to the Senate, without amendment, and recommend its passage.

Mr. Thompson moved that said bill be laid upon the table;

Which motion did not prevail.

And on the question, Shall the bill be read a third time now?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Clark, Dobson, Ewing of Cass, Ewing of Allen, Herriott, Lane, Morgan, Mount, Riley, Smith, Stafford, Tannehill, Watt, Watts and Williams—25.



*Those who voted in the negative were,*

Messrs. Armstrong, Carr, Cathcart, Cravens, Finch, Green, Hackett, Hargrove, Kennedy, Lowe, Nave, Nickel, and Thompson—13.

So said bill was read a third time.

And on the question, Shall the bill pass?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Clark, Dobson, Ewing of Cass, Ewing of Allen, Herriott, Lane, Morgan, Mount, Smith, Stafford, Tannehill, Watt, Watts and Williams—24.

*Those who voted in the negative were,*

Messrs. Armstrong, Carr, Cathcart, Cravens, Finch, Green, Hackett, Hargrove, Kennedy, Lowe, Nave, Nickel, and Thompson—13.

So the said bill passed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate,

No. 77, an act for the benefit of Maria T. Rush of Dearborn county, without amendment.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills and a joint resolution thereof as follows, to wit:

No. 8, an act to recover the value of sheep killed by dogs;

No. 72, an act to provide for the election of a justice of the peace in the town of Alexander in Madison county;

No. 197, an act to amend an act entitled an act to incorporate the town of Jeffersonville;

No. 233, an act to annex all that part of East Knightstown lying east of Blue River to the town of Raysville;

No. 239, an act for the relief Loyd Wedding;

No. 280, an act relative to the New-Albany and Vincennes McAdamized road and for the better regulation thereof, and for other purposes;

No. 291, a joint resolution relative to the publication of the reports of the Auditor and Treasurer of State with the general and special acts of the Legislature;

No. 326, an act to legalize the recording of the town plat of Marion;  
No. 327, an act to authorize certain officers to reinstate certain judgments and papers which were in their possession and have been destroyed or defaced so as to render them unintelligible;

No. 328, an act to incorporate the Adelpian Society of Rockville;

No. 329, an act to incorporate the Clonian Band of Rockville;

No. 333, an act to give to the Board of county commissioners of Spencer county jurisdiction over a certain portion of Warrick county;

No. 336, an act to repeal an act to incorporate the Noblesville Insurance Company;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have this day presented to his Excellency the Governor for his approval and signature the following bill of the Senate, to-wit:

No. 156, an act to amend the act to incorporate the town of Rome, Perry county.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House, and find the same truly enrolled, to wit:

No. 156, an act to amend an act to incorporate the town of Rome in Perry county, approved February 1st, 1836.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House of Representatives entitled as follows, to-wit:

No. 326, an act to legalize the recording of the town plat of Marion;

No. 72, an act to provide for the election of a justice of the peace in the town of Alexander in Madison county;

No. 328, an act to incorporate the Adelpian Literary Society of Rockville;

No. 333, an act to give the board of county commissioners of Spencer county jurisdiction over a certain portion of Warrack county;

No. 327, an act to authorize certain officers to make certain re-entries of judgments, or papers, therein named;

No. 8, an act to recover the value of sheep killed by dogs;

No. 329, an act to incorporate the Clionean Band of Rockville;



No. 336, an act to repeal an act to incorporate the Noblesville Insurance Company;

No. 280, an act relative to the New-Albany and Vincennes McAd-amized road and for the better regulation thereof, and for other purposes;

No. 233, an act to annex all that part of East Knightstown lying east of Blue river to the town of Raysville;

No. 197, an act to amend an act entitled an act to incorporate the town of Jeffersonville;

No. 239, an act for the relief of Lloyd Wedding;

No. 291, a joint resolution relative to the publication of the reports of the Auditor and Treasurer of State with the general acts of the General Assembly.

The committee on enrolled bills make the following report:

Mr. President—

The joint committee on enrolled bills have compared the enrolled with the engrossed bill, No. 71, "an act to amend an act entitled an act authorizing the sale of certain school lands therein named. and for other purposes, approved Jan. 1st, 1838," and find the same truly enrolled.

The following message was received from the Governor by Mr. Moore, his private secretary:

Mr. President—

I am directed by the Governor to inform the Senate that on yesterday he approved and signed acts of the titles following, to wit:

An act for the relief of Eldred Huff, collector of Hendricks county;

An act defining the boundaries of Jay county;

An act to amend the several acts for the promotion of schools and education in Clark's Grant, and in reference to the school fund in Clark county;

And also a joint resolution and memorial, entitled,

A memorial and joint resolution to the Congress of the United States on the subject of the Cumberland road;

And also, that on this day he approved and signed an act, entitled,

An act to amend an act to incorporate the town of Rome in Perry county, approved Feb. 1, 1836;

All of which originated in the Senate.

And, on motion, the Senate adjourned.

SATURDDAY MORNING, FEB. 22.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed engrossed bills of the Senate as follows, to-wit:

No. 105, an act to amend an act entitled an act to incorporate the Western Literary Society of the Wabash college in the county Montgomery, approved February 7, 1835;

No. 116, an act to incorporate the Livonia Guards;

And No. 121, an act to amend an act entitled an act to incorporate the Perrysville and Danville rail road company;

Each without amendment.

The House of Representatives have also passed engrossed bills thereof as follows, to-wit:

No. 309, an act relative to the counties in the fifth judicial circuit;

No. 311, an act for the relief of John Hyden of Owen county;

No. 314, an act to provide for a more uniform mode of doing township business in the county of Tippecanoe;

And No. 317, an act declaring Musquito creek in Harrison county a public highway;

In which the concurrence of the Senate is respectfully requested.

The Speaker of the House of Representatives having signed enrolled bills of the Senate,

No. 23, an act to amend an act concerning insane persons, approved 22d January 1818;

No. 98, an act to legalize and confirm the official acts of the several boards of trustees of the village of Mishawaka;

No. 99, an act to legalize certain acts of the county commissioners of Cass county;

No. 108, an act for the relief of George Crawford and James R. McCord;

No. 113, an act in relation to county surveyors;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate having signed the bills which had been signed by the Speaker of the House of Representatives,

Bills No. 314, 309, 311, 317, in said message were severally read a first, second and third times and passed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:



## MR. PRESIDENT—

The House of Representatives have passed engrossed bills thereof as follows, to-wit:

No. 92, an act for the relief of the settlers on the Wabash and Erie Canal lands;

No. 281, an act to extend the time of payment to purchasers of saline and school lands in Washington, Rush, Delaware, Wayne, and Henry counties;

No. 293, an act relative to the Clay county Seminary;

No. 313, an act to repeal a certain act therein named;

No. 320, an act to change the name of the town of Newton to that of Rensselaer;

And No. 325, an act to authorize the board doing county business for the county of Marion to vacate or make any alteration in the town of Bridgeport in said county;

The House of Representatives have also passed an engrossed bill of the Senate as follows, to-wit:

No. 120, an act to authorize the election of an additional justice of the peace in Franklin township, Washington county, without amendment.

The House of Representatives have concurred in the amendment of the Senate to the bill of the House,

No. 176, an act creating the county of Benton, and for other purposes;

The House refuse to concur in the amendment of the Senate to bill of the House,

No. 158, an act to amend an act entitled an act to regulate the jurisdiction and duties of justices of the peace, approved February 17, 1838;

Bill No. 22, in said message was read a first and second time;

Mr. Bowen moved to amend said bill as follows:

Strike out the first section and insert in lieu thereof,

That all persons actually residing on any of the Wabash and Erie Canal lands before the first of December, 1839, which have been selected for the prosecution of said Canal below the mouth of the Tippecanoe river, shall be entitled to the actual cash value of their improvements, as hereinafter provided.

A division of the question being called for,

And the question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Beard of M., Bell, Blair, Bowen, Brady, Cravens, Elliott, Lowe, Moffatt, Morgan, Mount, Nave, Smith, Stafford, Stephenson, Tannehill, Thompson, Williams and Wright—21.

*Those who voted in the negative were,*

Messrs. Baird of St. Joseph, Carnan, Carr, Cathcart, Dobson, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Nickel, Riley, Tuley, Watt and Watts—19.

So said section was stricken out.

The question being on inserting the amendment of Mr. Bowen, The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carr, Cathcart, Cravens, Dobson, Green, Hargrove, Kennedy, Kinzer, Lane, Lowe, Moffatt, Mount, Nickel, Smith, Stafford, Stephenson, Tannehill, Williams and Wright—27.

*Those who voted in the negative were,*

Messrs. Angle, Baird of St. Joseph, Carnan, Elliott, Ewing of Cass, Ewing of Allen, Finch, Hackett, Herriott, Nave, Riley, Tuley, and Watts—13.

So said amendment was adopted.

Mr. Ewing of Cass moved that said bill be indefinitely postponed.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Blair, Elliott, Hackett, Lane, Nave, Riley, Stafford, Tannehill, Tuley, and Wright—12.

*Those who voted in the negative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Brady, Carnan, Carr, Cathcart, Clark, Cravens, Dobson, Ewing of Cass, Ewing of Allen, Green, Hargrove, Herriott, Kinzer, Lowe, Moffatt, Morgan, Mount, Nickel, Smith, Stephenson, Watt, Watts, and Williams—29.

So said bill was not indefinitely postponed.

Mr. Ewing of Cass moved that said bill be laid upon the table.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Armstrong, Blair, Clark, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Mount, Nave, Riley, Stephenson, Tuley and Wright—15.



*Those who voted in the negative were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Berry, Bowen, Brady, Carnan, Carr, Cathcart, Cravens, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Morgan, Nickel, Smith, Stafford, Watt, Watts and Williams—25.

So said bill was not laid upon the table.

Mr. Ewing of Cass moved the previous question.

Which motion did not prevail.

The question being on reading the bill a third time,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Carnan, Carr, Cathcart, Clark, Cravens, Elliott, Finch, Green, Hackett, Hargrove, Kinzer, Lane, Lowe, Morgan, Mount, Nickel, Smith, Tannehill, Watt and Watts—26.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Brady, Dobson, Ewing of Cass, Ewing of Allen, Moffatt, Nave, Stafford, and Wright—10.

And said bill was read a third time.

And the question being, Shall the bill pass?

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Bowen, Carnan, Carr, Cathcart, Cravens, Finch, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Lowe, Morgan, Smith, Tannehill, Watt and Watts—23.

*Those who voted in the negative were,*

Messrs. Armstrong, Blair, Brady, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Moffatt, Mount, Nave, Nickel, Riley, Stafford, Stephenson, Thompson, Tuley, and Wright—17.

So said bill passed.

Ordered, That the House of Representatives be informed thereof.

Bills Nos. 293, 230, 325, were severally read a first, second and third times and passed.

Bill No. 281 was read a first and second times,

And on motion of Mr. Moffatt, amended so as to make its provisions general, and read a third time and passed.

On motion of Mr. Smith the title of said bill was amended so as to comport with its provisions.

Bill No. 313, was read a first and second times,

Mr. Ewing of Cass moved to lay said bill upon the table,

Which motion prevailed.

And said bill was laid upon the table.

Bill No. 158 being under consideration, the Senate, on motion of Mr. Kennedy receded from their amendment so far as the county of Delaware is concerned.

On motion of Mr. Watt, the Senate insisted on their amendment so far as Fayette county is concerned.

On motion of Mr. Watt, a committee of free conference was appointed.

Ordered, That Messrs Watt and Beard of M. be said committee.

The following message was received from the House of Representatives by Mr. Butler, a member:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof, as follows, to-wit:

No. 318, an act declaring a divorce in a certain case therein named, and for other purposes,

In which I am directed very respectfully to ask the concurrence of the Senate.

Said bill was read a first and second times

Mr. Dobson moved that said bill be indefinitely postponed.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Blair, Carr, Cravens, Dobson, Finch, Kennedy, Morgan, Mount, Nave, Tuley, Watts and Wright—13.

*Those who voted in the negative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Clark, Elliott, Ewing of Cass, Ewing of Allen, Green, Hackett, Hargrove, Herriott, Kinzer, Lane, Moffatt, Nickel, Riley, Smith, Stafford, Tannehill, Thompson, Watt, and Williams—26.

So said bill was not indefinitely postponed.

The question being on the passage of said bill,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Berry, Brady, Clark, Ewing of Cass, Ewing of Allen, Green, Hackett, Hargrove, Kinzer, Lane, Moffatt, Nickel, Smith, Tannehill, Watt and Watts—20.



*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Blair, Carnan, Carr, Cravens, Dobson, Elliott, Morgan, Mount, Nave, Riley, Tuley and Williams—14.

So said bill passed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have concurred in the amendment of the Senate to bill of the House,

No. 321, an act to amend an act entitled an act pointing out the mode of levying taxes and fixing the per centum for state purposes, approved February 15, 1839, and for other purposes, with an amendment.

In which the concurrence of the Senate is respectfully requested.

Mr. Baird of St. Joseph moved that the Senate refuse to concur in the amendment of the House of Representatives;

Pending which the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

On motion of Mr. Tuley,

*Resolved*, That when the Senate next adjourn it adjourn to meet again at 7 o'clock this evening.

The Senate resumed the consideration of the bill of the House of Representatives, No. 321,

The question being on refusing to concur in the amendment of the House of Representatives;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Thompson, Watts and Williams—27.

*Those who voted in the negative were,*

Messrs. Brady, Carr, Cathcart, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Tuley, Watt, and Wright—17.

So the Senate refused to concur in said amendment.

The following message was received from the House of Representatives, by Mr. Milroy, a member:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate,

No. 107, an act providing for selecting, rating and selling lands yet due on the Wabash and Erie canal east of the mouth of the Tippecanoe river, with an amendment;

In which the concurrence of the Senate is respectfully requested.

And said amendment was concurred in by the Senate.

The following message was received from the House of Representatives, by Mr. Milroy, a member:

Mr. PRESIDENT—

The House of Representatives have refused to concur in the amendment of the Senate to bill of the House,

No. 92, an act for the relief of the settlers on the Wabash and Erie canal lands.

Mr. Cathcart moved that the Senate recede from their amendment to said bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Baird of St. Joseph, Carnan, Carr, Cathcart, Clark, Cravens, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Nickel, Riley, Tannehill, Watt and Watts—22.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Blair, Brady, Herriott, Moffatt, Morgan, Mount, Nave, Smith, Stafford, Stephenson, Thompson and Wright—18.

So the Senate receded.

The Senate took up bills upon their second reading.

Bill of the Senate entitled,

No. 109, a bill to incorporate the Governor's Guards of Gentryville in Spencer county,

Was read a second and third times and passed.

Bill of the Senate entitled,

No. 96, a bill for the relief of Thirza Brown,



Was read a second time and laid upon the table.  
 Joint resolution of the House of Representatives, entitled,  
 No. 137, a joint resolution relative the the Secretary of State's office,

Was read a second time and laid upon the table.

Bill of the Senate entitled,

No. 114, a bill for the relief of John Longacre,

Was read a second time and laid upon the table.

Bill of the House of Representatives entitled,

No. 122, a bill to legalize the proceedings of the board doing county business in Huntington county,

Was read a second and third times and passed.

Bill of the House of Representatives entitled,

No. 113, a bill to repeal an act to incorporate the Greencastle savings institution and manufacturing and trading company,

Was read a second and third times and passed.

Bill of the Senate entitled,

No. 119, a bill amendatory to an act entitled an act organizing probate courts and defining the powers and duties of executors, administrators and guardians,

Was read a second and third times and laid upon the table.

Bill of the House of Representatives entitled,

No. 110, a bill to legalize the proceedings of the road commissioners of DeKalb county,

Was read a second and third times and passed.

Bill of the Senate entitled,

No. 117, a bill to provide for a more cheap and efficient mode of collecting the revenue, and for other purposes,

Was read a second time and laid upon the table.

Bill of the Senate entitled,

No. 146, a bill concerning clerks,

Was read a second and third times and passed.

Bill of the House of Representatives, entitled,

No. 91, a bill to legalize the acts of the trustees of the town of Rockport in Spencer county, and for other purposes,

Was read a first, second and third times and passed.

Bill of the Senate entitled,

No. 152, a bill to provide for the prosecution of the Erie and Michigan canal,

Was read a first and second times and laid upon the table.

Bill of the Senate entitled,

No. 125, a bill to repeal an act entitled an act repealing all laws now in force granting premiums on wolf scalps, approved February 17, 1838,

Was read a second time and laid upon the table.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills of the Senate as follows, to wit:

No. 52, an act defining the boundaries of Jay county,

No. 133, an act for the relief of Eldred Huff, collector of Hendricks county,

No. 148, an act to amend the several acts for the promotion of schools and education in Clark's Grant, and in reference to the school fund in Clark county,

A memorial and joint resolution to the Congress of the U. States on the subject of the Cumberland road,

Each without amendment.

Also enrolled bills of the Senate as follows, to wit:

No. 25, an act in relation to the state house and for other purposes,

No. 112, an act to amend the Spencer county Working Man's Institute, and,

No. 136, an act in relation to lands within the chartered limits of the city of New Albany, and solely used for farming and woodland purposes,

Each with an amendment;

In which the concurrence of the Senate is respectfully requested.

Also the House of Representatives have passed engrossed bills thereof as follows, to wit:

No. 275, an act for the relief of borrowers of the sinking fund and surplus revenue,

No. 289, an act to amend an act entitled an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians,

No. 290, an act to incorporate the Indiana Iron Manufacturing company,

No. 307, an act to amend an act entitled an act to provide for a more uniform mode of doing township business in the several counties therein named,

No. 312, an act to authorize John Ashley to build a mill dam across the Maumee river,

No. 316, an act to incorporate the Cass Guards,

No. 342, an act dissolving the bands of matrimony between Josiah Gentry and Elizabeth Gentry,

No. 343, an act to incorporate the Crawfordsville Female Institute, And No. 350, an act for the purpose of defining the boundary line between the counties of Clark and Floyd,

In which also, the concurrence of the Senate is respectfully requested.

Bills Nos. 52, 112, 136, in said message,

Amendments were concurred in.

Bills Nos. 275, 290, 342, were read a first and second times and laid upon the table.



Bills 289, 307, 312, 316, 343 in said message, were read a first, second and third times and passed.

Bill No. 350, was read a first and second times and referred to a select committee.

*Ordered*, That said select committee consist of Messrs. Armstrong, Tuley and Hackett.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed an engrossed bill thereof as follows, to wit:

No. 323, an act to legalize the acts of the board of justices of the peace in Crawford county,

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first, second and third times and passed.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The House of Representatives insist on their amendment to the amendment to the Senate to bill of the House,

No. 321, an act to amend an act entitled an act pointing out the mode of levying taxes and fixing the per centum for state purposes, approved Feb. 15, 1839, and for other purposes;

Mr. Lane moved that the Senate recede from its amendment to said bill;

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Brady, Carr, Cathcart, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Thompson, Tuley and Wright—16.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Watt, Watts and Williams—28.

So the Senate refused to recede from its amendment.

Mr. Baird of St. Joseph moved that the Senate insist on the said amendment, and that a committee of free conference be appointed; The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Brady, Carnan, Carr, Clark, Cravens, Dobson, Elliott, Ewing of Allen, Herriott, Moffatt, Morgan, Mount, Nave, Riley, Smith, Stafford, Stephenson, Tannehill, Watt, Watts and Williams—31.

*Those who voted in the negative were,*

Messrs. Cathcart, Ewing of Cass, Finch, Green, Hackett, Hargrove, Kennedy, Kinzer, Lane, Lowe, Nickel, Thompson, Tuley and Wright—13.

So said motion prevailed.

And Messrs. Baird of St. Joseph and Cravens were appointed said committee.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed engrossed bills and joint resolution of the Senate as, follows:

No. 48, an act to amend an act defining the duties of county treasurers, collectors, &c., approved Feb. 18, 1839,

No. 53, an act to amend an act regulating the summoning and empanneling grand and petit jurors,

No. 54, an act to vacate a part of the town of Shepherdstown;

No. 57, an act to amend an act entitled an act to incorporate the Richmond and Boston turnpike company, approved Feb. 16, 1839,

No. 65, an act to repeal a part of the 50th and 51st sections of an act entitled an act relating to state roads, approved Feb. 6, 1837,

No. 84, act to vacate Georgetown in Hendricks county,

No. 88, an act to prohibit the issuing or circulating small notes commonly called shin plasters,

No. 91, an act to incorporate the Leesburgh school society,

No. 106, an act to amend the several acts of this state relative to the taking up of animals going astray and water crafts and other articles of value adrift,

No. 143, a preamble and joint resolution in relation to the north-eastern boundary,

No. 158, a joint resolution in relation to saline and seminary lands,

No. 159, a joint resolution in relation to money due in the eastern cities and states for state bonds disposed of.



No. 161, an act for the relief of Julia Ann Adams,  
Each without amendment.

Also, the House of Representatives have passed an engrossed bill of the Senate,

No. 157, an act to re-locate a state road in the counties of Gibson and Pike, with an amendment;

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have also passed engrossed joint resolutions and bills thereof as follows, to wit:

No. 345, a joint resolution in relation to the state prison,

No. 356, an act supplemental to an act entitled an act to amend the law concerning attachments, passed at the present session, and for other purposes,

No. 366, a joint resolution in relation to the public printers,

No. 369, an act to provide for the repair of the temporary bridges on the Cumberland road in Indiana,

No. 371, an act supplemental to an act amending the act incorporating the town of Princeton, approved Dec. 20, 1838,

No. 363, an act making specific appropriations for the year 1840,

In which the concurrence of the Senate is respectfully requested.

Bill No. 157 in said message,

The Senate concurred in said amendment.

Joint resolution No. 345, was read a first, second and third times and passed.

Bill No. 356 was read a first, second and third times and passed.

Joint resolution No. 366 was read a first, second and third times and passed.

Bill No. 369 was read a first and second times, and,

On motion of Mr. Morgan, amended so as to embrace the Michigan road, and read a third time and passed.

Bill No. 371 was read a first, second and third times and passed.

Bill No. 363 was read a first and second times.

On motion of Mr. Ewing of Cass, the Senate resolved itself into a committee of the whole on said bill, Mr. Ewing in the chair.

After considering said bill, the committee rose, and the chairman reported sundry amendments, and requested the concurrence of the Senate therein.

And said amendments were concurred in;

And the bill read a third time and passed.

Mr. Kennedy obtained leave to place the following statement upon the journal to wit:

Mr. Baird of St. Joseph offered an amendment to the specific appropriation bill, reviving and continuing in force the revenue law of 1838-9. After the question was stated from the chair, and after the call of the ayes and noes had been commenced, and after one or two members had recorded their names upon the question, the chair decided that the member offering the amendment, had a right to withdraw the amendment; from which decision of the chair Mr. Kennedy appealed, on the ground that the member had no right to withdraw the

amendment after the call of the ayes and noes and part of the members had voted thereon.

The President put the question to the Senate, Is the decision of the chair correct?

Which question was decided in the affirmative.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

I have been directed by the House of Representatives to inform the Senate that the House of Representatives continue to insist upon their amendment to the amendment of the Senate to the bill of the House;

No. 321, an act to amend an act entitled an act pointing out the mode of levying taxes and fixing the per centum for state purposes, approved Feb. 15, 1839, and for other purposes.

Messrs. Bowles and Garrigus have been appointed a committee of free conference on the part of the House to act with a like committee on the part of the Senate in relation to the disagreement of the two Houses upon said bill.

Mr. Armstrong, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House, No. 350, for the purpose of defining the boundary line between the counties of Clark and Floyd, have had the same under consideration, and have instructed me to report the same back to the Senate with an amendment, and ask the concurrence of the Senate therein.

Amend first section by striking out all of said section after the word "county" in the tenth line, and insert "at the summit of the Silver creek Knobs, thence southwardly with the extreme height of said knobs to a point where the extended sectional line dividing sections twenty-four and twenty-five, in township numbered one south, in range numbered four east, strikes the summit of said knobs."

On motion of Mr. Tuley, said report was laid upon the table.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof, No. 359, an act to amend an act entitled an act for attaching Carroll county to the eighth judicial circuit and for other purposes, approved Feb. 7, 1840,

In which I have been directed respectfully to ask the concurrence of the Senate.

Said bill was read a first, second and third times and passed—



The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed an engrossed bill thereof, No. 331, an act to incorporate the Patriot Silk and Trading Company;

In which I have been directed respectfully to request the concurrence of the Senate.

Said bill was read a first, second, and third times and passed.

Mr. Kennedy, from a select committee, made the following report:

Mr. President—

The select committee to whom was referred a bill of the House of Representatives entitled a bill to provide for the relocation of the county seat of Blackford county, have had the same under consideration and have made one amendment thereto, and ask the concurrence of the Senate therein.

Said amendment was concurred in,

And the bill read a third time and passed.

The committee of free conference appointed on the part of the Senate on the subject of the disagreement of the two Houses, on the Revenue Bill, made the following report:

Mr. President—

The committee of free conference appointed on the part of the Senate and House of Representatives on the subject of the disagreement of the two Houses on the Revenue Bill, have had the same under consideration, and have agreed to disagree upon the subject matter of said disagreement.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have appointed Messrs. Hull and Osborn of U. a committee of free conference on the part of the House to act with a similar committee on the part of the Senate, in relation to the disagreement of the two Houses upon the amendments made by the Senate to the bill of the House,

No. 158, an act to amend an act entitled an act to regulate the jurisdiction and duties of justices of the peace, approved February 17, 1838.

Mr. Arion, from the committee on the State Bank, made the following report:

Mr. President—

A majority of the committee on the State Bank to whom was referred the several matters connected with that institution, have had the same under consideration, as far as other business would permit, and have examined the reports of the Bank and Branches, and also that of the commissioners of the sinking fund, made to the Legislature in accordance with the provisions of the charter, and respectfully beg leave to report, that the condition of the Bank and Branches generally is such as to entitle them to the confidence of the Senate and the public. All the debts, with but very few exceptions, are reported to be secure. Losses that have yet been ascertained, appear to have been only five or six thousand dollars. The paper of the Bank, is a better and more uniform circulating medium than can be found to the same amount in any of the adjoining states; and the clear profits of the state up to this time on its stock, is rising five hundred thousand dollars, after paying all interest and expenses of every description.

The plan on which the State Bank of Indiana was founded, appears to be well adapted to safety, profit, and the accommodation of the public. As the private stockholders are first responsible, so individual enterprise takes the lead in the management, while the president and directors appointed by the state, will be disposed to look after its interests, and will feel a laudable pride that the Bank shall be so managed as to conciliate popular favor. That most of the branches have succeeded in this object, to a considerable extent, your committee are induced to believe; and there are but few portions of the state in which the Bank is not regarded with pride by its citizens. It is a matter of regret, that in some of the Branch districts, there is only a small number of persons who wish to hold bank stock, merely for the dividends. If the case were different, if one set of men possessed the power to decide upon the loans made to others, according to their merits and just claims, though those who were refused would not always be satisfied, yet the public in general would care very little for their complaints. As from the great demand for capital in a new country, for other investments there has not yet been in the state a sufficient number of the stockholders most to be desired. The next best are those who only wish to borrow for occasional business. Such are a majority of the private stockholders in our banks. By taking stock they did not expect to preclude themselves from borrowing temporarily, yet they pay punctually and ask no favors. Another class of stockholders are active business men, desirous of extensive accommodations from the Bank to aid their operations; yet they expect to pay as other borrowers. They hold only a few shares of stock, more for the purpose of keeping up an acquaintance with the directors and to show an interest in the Bank, than for the dividends. In addition to these, there are no doubt in some of the Branches, a few stockholders who hope to draw a dividend of ten per cent., while they keep out the amount of their stock at six. So that they really receive profits to



which they never contributed. The loans to these various kinds of stockholders, may amount to a large sum, while very few of them can be said to be specially favored.

While the paper of the Bank circulated without an effort, and the United States deposits were on hand, long loans were sometimes permitted, because other good borrowers did not apply; and sometimes no doubt, as matters of favor. Yet for the last two years, few loans have been willingly continued for long periods in the same hands, by any of the borrowers. When it has been done, either from choice or necessity, the consequence has been that the operations of these have been restricted accordingly. In the proceedings of the State Board may be seen various resolutions, some of them binding on the Branches, and others merely advisory, which show that that board has constantly kept in view the interest of the Bank, in connexion with the good of the community. A few of these resolutions are annexed.

It may be supposed by some that the directors of the State Bank are vested with sufficient power to rectify all the mistakes, and correct all improper proceedings that take place in the Branches. This, however, is not the case, for much is left to the discretion of the Branches, and no control reserved to the state board. The directors of the Branches loan to such customers as they please, whether to merchants, stockholders or to themselves; but their business must be safe and prudent, and the loans to directors must be on the same terms as to others. When the charter authorizes the State Board to interfere, they seem to have done so in such way as to promise the correction of errors.

The question will perhaps be asked, whether as the machinery of the Bank does not always work to perfection, amendments may not be made in the charter to effect this object. A careful examination of the present plan will show that it is not easy to make amendments without danger. If more power be given to the State Board, as they meet only four times a year, it cannot be exercised to advantage, and the labor devoted by the president, to examinations, and the sinking fund is such that no addition can well be made to his duties. If more power were given to the state, it would seem but right to lessen the responsibility of private stockholders. If the prospect of loans were to be an additional subject of contest at elections, and if directors were expected to grant bank favors to buy votes, the result would probably be as in Alabama, where the losses of the Bank have been a thousand times greater than ours has yet sustained.

It appears to the committee, that if those branches, which have any part of their capital out in long loans, would collect the same as fast as it can be safely done, if a portion of the stock provided for last winter, can be had on which loans are to be distributed among all the counties in the state, and the same may be required of all new capital added to the bank—and if the discounts can be principally directed to the encouragement of the useful and necessary business of the country, the institution would be regarded with as much favor as in the nature of things can be expected.

As the interest of the bank is best promoted by the strict performance of its duties, it may be hoped that few, if any, cases of complaint will occur hereafter. If there should be some such, as in every thing human, the evils may perhaps be borne, in consideration of the opportunities they afford to the rising geniuses of the state, to show their skill and talents in finance, which on any other subject would pass unnoticed.

The changes rapidly occurring in the moneyed concerns of the country, in the reduction of prices—the cessation of the public works—the great indebtedness of our citizens to foreigners, and especially to the eastern cities for merchandise—and the unsettled state of the currency in the adjoining states—imperatively require, that great care and prudence should be exerted by those who manage the state bank, and in this emergency when the interests of the state and the people—of the directors and private stockholders, is so great in the result. Your committee would rather encourage than embarrass them, and as no dereliction from duty yet appears, no interference on the part of the state is at present called for.

While the critical circumstances surrounding the people of the state above referred to continue—while the state is indebted to the branches between \$600,000 and \$700,000—which at present, there is no means of paying—and while we have so many assurances that all is safe in the bank—under these circumstances, your committee feel disposed to yield it a fair support.

And said report was read and laid upon the table.

Mr. Brady from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the House No. 310, entitled an act to provide for the sale of the Michigan road lands remaining unsold and for other purposes, have according to order had the same under consideration, and report it back without amendment.

Mr. Ewing of Cass moved that said bill be so amended as that Wm. Polke be associated with B. Lawhead as a commissioner to select and dispose of said lands; during the pendency of which,

The Senate adjourned.

7 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the amendment which was pending at the last adjournment.

The question being on the adoption of the amendment;



The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Dobson, Elliott, Ewing of Cass, Ewing of Allen, Herriott, Lowe, Morgan, Mount and Riley—16.

*Those who voted in the negative were,*

Messrs. Angle, Berry, Brady, Cathcart, Clark, Finch, Green, Hackett, Hargrove, Kennedy, Lane, Nave, Nickel, Smith, Stafford, Stephenson, Tannehill, Thompson, Tuley, Watt, Watts, Williams and Wright—26.

So said amendment was not adopted.

Mr. Ewing of Cass moved to insert the name of Cyrus Taber as said additional commissioner;

Which motion prevailed;

And the bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Watt, from the committee of free conference, made the following report:

MR. PRESIDENT—

The committee of free conference to which was referred the disagreement of the two houses, on the amendment of the Senate to the engrossed bill of the House No. 158, entitled an act to amend an act entitled an act to regulate the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, report: That they have considered the subject of said disagreement, and have agreed that the House shall recede from their disagreement to said amendment.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof No. 353, an act to authorize the building of a school house in Hancock county, and for other purposes,

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first and second times.

Mr. Bell moved to amend bill said by striking it out from the enacting clause and inserting a substitute;

Which motion prevailed.

And said bill was read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof. Mr. Ewing of Allen, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred a bill of the House No. 161, to incorporate the Wabash Rangers, have had it under consideration, and have directed me to report it back to the Senate with the following amendment.

So said amendment was concurred in;

And the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Long a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the House to wit:

No. 379, an act for the relief of John Wynn and others,

In which the concurrence of the Senate is respectfully requested.

And said bill was read a first, second and third times and passed.

Mr. Clark introduced a bill entitled,

No. 163, a bill to amend an act entitled an act concerning seminary lands in Gibson and Monroe counties, approved Jan. 25, 1827;

Which was read a first, second and third times and passed.

*Ordered*, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

I have been directed by the House of Representatives to inform the Senate that the House of Representatives have appointed Messrs. Lane and Edmonston a second committee of free conference to take into consideration the disagreement of the two houses upon the amendment of the House to the amendment of the Senate to bill of the House No. 321, an act to amend an act entitled an act pointing out the mode of levying taxes, and fixing the per centum for state purposes, app'd Feb. 15, 1839, and for other purposes; and that they request the appointment of a similar committee on the part of the Senate.

Mr. Elliott moved that a similar committee be appointed on the part of the Senate;

Which motion prevailed.

*Ordered*, That said committee consist of Messrs. Elliott and Nave.



The following message was received from the House of Representatives by Mr. Harris, their Clerk:

Mr. President—

I am directed by the House of Representatives to inform the Senate that the House has passed an engrossed bill entitled,

An act in relation to probate courts in Clark county;

In which the concurrence of the Senate is respectfully requested.

Said bill was amended on motion of Mr. Armstrong, by striking it out from the enacting clause and inserting a substitute.

And the bill was read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed an engrossed bill of the Senate,

No. 71, an act to amend an act entitled an act authorizing the sale of certain school lands therein named and for other purposes, approved January 1, 1838,

Without amendment.

Also, the engrossed bill of the Senate,

No. 147, an act to regulate vending merchandise in this state,

With an amendment;

In which the concurrence of the Senate is respectfully requested.

Also, the House of Representatives have passed an engrossed joint resolution and bills thereof as follows, to wit:

No. 360, a joint resolution in relation to the expenditures attendant upon the issue of treasury notes and for other purposes,

No. 367, an act appointing surplus revenue agents for 1840, and,

No. 368, an act making general appropriations for the year 1840,

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have concurred in the amendments of the Senate to bills of the House as follows, to wit:

No. 45, an act to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831,

No. 131, an act to amend an act entitled an act to incorporate the town of Indianapolis, approved Feb. 17, 1838,

No. 153, an act to incorporate the White Lick commercial company.

Bill No. 147 in said message, amendment concurred in.

Bill No. 367 was read a first and second times, and amended in several places by inserting other names of agents.

Mr. Bowen moved to amend said bill as follows:

Sec. —. Whenever payment is not made to the agent, of either principal or interest of said fund, upon his demand, or otherwise by virtue of the laws in force concerning the surplus revenue, a foreclosure of the mortgage by suit may be made, and the mortgaged premises sold as provided by law; and it shall be the duty of the agent to attend all sales of such mortgaged premises, and should they not bring the full amount of principal, interest and costs, it shall be his duty to bid off the same in the name of the state for the preservation of said fund.

Sec. —. That hereafter should any lands come into the hands of said agent in virtue of his said office, it shall be his duty as soon thereafter as convenient, to advertise such lands for sale in some newspaper printed in the county where the lands lie, and in case there is no newspaper in the county, then in three of the most public places in said county, giving at least 30 days notice previous to sale, setting the minimum price thereof equal to the whole amount of principal, interest and costs up to the time of sale, and should there be no bid, it shall then be his duty to expose the same every six months as is above provided until it shall be sold, and said agent shall be allowed three per cent. upon the amount of such sales, for his services in disposing of the same as aforesaid, to be paid out of the proceeds of such mortgaged property.

Sec. —. That the agent in each county is hereby empowered to employ such counsel as may be necessary to prosecute or defend any suit or suits that may be pending in relation to the surplus revenue and to pay such counsel not more than five per cent. on the amount to be collected, which fees shall be paid out of the interest arising from said funds.

Sec. —. The condition of the bond hereafter to be taken on loans made on mortgaged security shall be as follows, to wit: This is therefore my obligation to pay to the said State of Indiana the said sum of \_\_\_\_\_ dollars in one year from this date, with the privilege of retaining the same by paying interest in advance, according to the provisions of the aforesaid act, with the interest of eight per cent. per annum and agent's fees in advance, as witnesses, &c.

Which motion did not prevail.

And said bill was not so amended.

On motion of Mr. Baird of St. Joseph said bill was amended as follows:

That the said agents are hereby authorized to release to any borrower or borrowers said fund upon the same conditions and restrictions as to other persons.

And said bill was read a third time and passed.

Ordered, That the House of Representatives be informed thereof.

Bill No. 368, was read a first, second and third times and passed.

Joint resolution No. 360 was read a first and second times.

Mr. Lane moved that said joint resolution be amended so as to provide for the deposit of said funds in the State of Indiana;

Which motion prevailed.

And said joint resolution was read a third time and passed.



The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof, No. 354, an act to amend an act entitled an act relating to public roads and highways, approved Feb. 17, 1838,

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first and second times and referred to a select committee.

Ordered, That said select committee consist of Messrs. Lane, Finch, and Kennedy.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have refused to concur in the 1st and 2d amendments of the Senate to bill of the House,

No. 363, an act making specific appropriations for the year 1840,

And have concurred in the 3d and 4th amendments of the Senate to said bill.

The Senate receded from their 1st and 2d amendments to said bill.

The following message was received from the House of Representatives by Mr. Osborn of Clay, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill:

A bill for the relief of Menton Johnston, collector of Clay county.

Said bill was read a first, second and third times and passed.

The committee of free conference made the following report:

MR. PRESIDENT—

The joint committee of free conference of the two houses to take into consideration the disagreement of the two houses on the revenue bill, after some time spent in conference, have not been able to come to any agreement in relation to the disagreement.

Respectfully reported,

J. T. ELLIOTT.

C. C. NAVE.

On motion of Mr. Stephenson,

Resolved, That the thanks of the Senate be tendered to the Hon. David Hillis, President, for the able, dignified and impartial manner in which he has presided over their deliberations during the present and preceding sessions of the Senate;

Mr. Lowe being in the chair.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed engrossed bills thereof, as follows, to-wit:

No. 380, an act for the relief of those likely to suffer by the destruction by fire of the bonds and papers in relation to the surplus revenue in Carroll county, and to secure its final payment,

No. 381, an act legalizing the sale of certain school lands in Cass county,

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 280 and 381 were severally read a first, second and third times and passed.

Mr. Lane, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the bill on roads, have had that subject under consideration and directed me to report the same back without amendment and recommend its passage.

And said bill was read a third time and passed.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have passed bill of the Senate,

No. 150, an act to amend the several acts for the collection of the revenue, and to repeal an act to provide a fund to encourage common schools, approved Feb. 2. 1832, and an act in furtherance thereof, approved Feb. 7, 1835.

The following message was received from the House of Representatives, by Mr. Robinson of Jefferson, a member:



Mr. President—

I am directed by the House of Representatives to inform the Senate that the House has passed a bill No. , entitled a bill supplementary to an act passed at the present session of the General Assembly, entitled an act to change the name of Harvey Slocum of Jefferson county, in which the concurrence of the Senate is respectfully asked.

Said bill was read a first, second, and third time and passed.

The following message was received from the House of Representatives, by Mr. Parker a member:

Mr. President—

The House of Representatives having passed an engrossed bill thereof as follows, to wit:

No. 330, an act defining the duty of the county board of Fayette county, in a certain case therein named,

I am directed to bring the same to the Senate and ask their concurrence therein.

Said bill was read a first, second, and third times and passed.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed engrossed bills of the Senate as follows, to wit:

No. 92, an act to authorize the school commissioner of the county of St. Joseph to hold the appointment of county treasurer,

No. 128, an act amendatory to an act entitled an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838,

No. 155, an act in relation to such writs, &c., as may have issued, or shall issue from the clerks of the circuit courts in Laporte, Porter, and Lake counties; each without amendment.

The House of Representatives have also passed engrossed bills thereof as follows, to wit:

No. 274, an act appointing agents for loaning the surplus revenue in the several counties in this state, for the year 1840,

No. 344, an act to divorce Mary Gatewood, in which the concurrence of the Senate is requested.

Said bill, 245, was rejected.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed an engrossed bill thereof as follows, to wit:

No. 208, an act to amend an act relative to crime and punishment, approved February 10, 1831,

In which I am directed respectfully to ask the concurrence of the Senate.

Said bill was read a first and second times and laid upon the table.

The following message was received from the House of Representatives by Mr. Harris, their Clerk:

Mr. President—

The House of Representatives have passed engrossed bills thereof, as follows, to wit:

No. 319, an act for the relief of Adolphus Huggins of Ripley county,

No. 341, an act to authorize an election of an additional justice of the peace in the town of Pittsburgh in Carroll county, and

No. 344, an act relative to collectors of the revenue,

In which the concurrence of the Senate is respectfully requested.

Bills No. 319, 341, and 344 were severally read a first, second, and third times and passed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed engrossed bills and a joint resolution thereof as follows, to wit:

No. 348, an act to establish certain state roads therein named, and for other purposes,

No. 361, an act to repeal an act providing for a more uniform mode of doing township business, approved February 17, 1838, so far as relates to Madison county,

No. 362, an act to establish a certain state road therein named, and

No. 365, a joint resolution on the subject of agriculture,

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have concurred in the amendments of the Senate to bills of the House

No. 84, an act to incorporate the city of Richmond in Wayne county,

No. 247, an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek in Dearborn county.

Bill No. 348, was read a first and second times, and referred to a select committee.

Ordered, That said select committee consist of Messrs. Kennedy, Bell, and Cathcart.

Bill 362, 365, and 361, were severally read a first, second, and third times and passed.

Bill of the Senate, entitled,

No. 35, a bill to prohibit the amalgamation of Whites and Blacks, was taken up.



The question being on the passage of the bill;  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Armstrong, Baird of St. Joseph, Bell, Berry, Bowen, Brady, Carnan, Carr, Cathcart, Clark, Dobson, Ewing of Cass, Ewing of Allen, Green, Hackett, Herriott, Lane, Lowe, Nave, Nickel, Riley, Smith, Stafford, Thompson, Watt, Watts, and Wright—27.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Blair, Elliott, Finch, Hargrove, Kennedy, Morgan, Mount, Tannehill, Tuley, and Williams—12.

So said bill passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Kennedy from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House entitled a bill to establish certain state roads therein named and for other purposes, have had the same under consideration, and have made one amendment, in which they ask the concurrence of the Senate.

The following is the amendment:

“Strike out the second section.”

Said amendment was concurred in, and the bill read a third time and passed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have adopted the following resolution:

*Resolved*, That the Senate be informed that the House of Representatives have gone through all the business before them, and are now ready to adjourn *sine die*, the Senate concurring.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed joint resolution thereof, as follows, to wit:

No. 384, a joint resolution relative to the revenue,

In which the concurrence of the Senate is respectfully requested.

Said joint resolution was read a first and second time.

Mr. Dobson moved to amend said joint resolution by striking out the words “thirty-seven,” and inserting thirty-nine.”

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Beard of M., Berry, Bowen, Brady, Carnan, Dobson, Mount, Riley, Tannehill, and Williams—10.

*Those who voted in the negative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Blair, Carr, Cathcart, Clark, Elliott, Ewing of Cass, Ewing of Allen, Finch, Green, Hackett, Hargrove, Herriott, Kennedy, Lane, Lowe, Morgan, Nave, Nickel, Smith, Stafford, Thompson, Tuley, Watt, Watts, and Wright—30.

So said amendment did not prevail, and said joint resolution was read a third time and passed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have passed engrossed bills of the Senate as follows, to wit:

No. 86, an act to amend an act to regulate general elections, approved February 17th, 1838,

No. 139, an act relating to state roads,

No. 144, an act to incorporate the Indianapolis Typographical Society,

No. 149, an act fixing the times of holding the sessions of the board of commissioners of Marion county in the year 1840, each without amendment.

The House of Representatives have also passed an engrossed bill of the Senate,

No. 135, an act amendatory to an act entitled an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, with amendments,

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have also passed engrossed bills thereof, as follows, to wit:

No. 209, an act for the better regulation of the militia of the State of Indiana,

No. 364, an act to authorize the relocation of a part of a certain state road in Carroll county, therein named.

No. 373, an act to vacate a part of a certain state road,

In which the concurrence of the Senate is respectfully requested.

Bill No. 209, in said message, was read a first and second time.

Mr. Stafford moved to lay said bill upon the table;

Which motion did not prevail.

And on the question—shall the bill pass?



The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Berry, Bowen, Brady, Carr, Clark, Dobson, Ewing of Cass, Finch, Hackett, Hargrove, Herriott, Lane, Lowe, Riley, Tannehill, Tuley, Watt, Watts and Wright—20.

*Those who voted in the negative were,*

Messrs. Angle, Armstrong, Bell, Blair, Cathcart, Elliott, Kennedy, Morgan, Mount, Nave, Smith, Stafford, Thompson, and Williams—14.  
So said bill passed.

Bills No. 373 and 364, were read a first, second, and third times and passed.

No. 135, amendments of the House of Representatives were concurred in.

Bill of the House entitled

No. 269, a bill to amend an act to incorporate the town of Martinsville in Morgan county, Indiana, approved February 17, 1838, was taken up.

Said bill was read a first and second time, and

On motion of Mr. Stafford, was laid upon the table.

Mr. Stafford also presented a remonstrance against said bill.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed joint resolution of the Senate,

No. 85, a joint resolution for the benefit of Gibson and Dubois counties, without amendment.

Also, the House of Representatives have passed engrossed bills thereof as follows:

No. 338, An act concerning school districts in Scott county,

No. 339, an act to abolish the June term of the Jefferson circuit court;

In which the concurrence of the Senate is respectfully requested.

Also, the House of Representatives have concurred in amendments of the Senate to the bill of the House,

No. 193, an act to authorize the qualified voters of this State, to vote for or against a convention for a revision of the constitution of this State.

The House of Representatives refuse to concur in amendment of the Senate to bill of the House No. 298, an act to amend an act entitled an act attaching certain territory to the counties therein named, approved February 16, 1839.

Bills number 338 and 339 in said message, were severally read a first, second, and third times and passed.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed joint resolution and bill thereof as follows, to wit:

No. 278, a joint resolution in relation to the appointment of an agent to examine the condition of the State Bank of Indiana, and

No. 357, an act to amend an act entitled an act regulating the practice in suits at law, approved January 29, 1831,

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 278, was read a first and second time.

Mr. Bell moved to amend said joint resolution by striking out the name of James White and inserting another name.

Mr. Dobson proposed to insert the name of Craven P. Hester.

A division of the question being called for,

And the question being on striking out,

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Carnan, Clark, Cravens, Dobson, Ewing of Allen, Herriott, Morgan, Mount, Nave, Riley, Smith, Stafford, Watts, and Williams—22.

*Those who voted in the negative were,*

Messrs. Bowen, Brady, Carr, Cathcart, Ewing of Cass, Finch, Green, Hargrove, Kennedy, Kinzer, Lowe, and Tannehill—12.

So said name was stricken out.

Mr. Cravens moved to insert the name of Joseph C. Eggleston of Switzerland county.

The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Bowen, Carnan, Carr, Cravens, Elliott, Ewing of Cass, Finch, Herriott, Lowe, Morgan, Mount, Nave, Riley, Smith, Stafford, Tannehill, Watts and Williams—25.

*Those who voted in the negative were,*

Messrs. Berry, Cathcart, Clark, Dobson, Hackett, and Lane—6.



So said name was inserted.  
The question being—shall the joint resolution pass?  
The ayes and noes being ordered,

*Those who voted in the affirmative were,*

Messrs. Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Bowen, Carnan, Carr, Cravens, Elliott, Ewing of Cass, Green, Hackett, Herriott, Morgan, Mount, Nave, Riley, Smith, Stafford, Tannehill, Thompson, Watts, and Williams—26.

*Those who voted in the negative were,*

Messrs. Angle, Brady, and Clark—3.

So said joint resolution passed.

Mr. Brady moved to take up the bill of the Senate, providing for the collection of the revenue of 1839, in the county of Cass.

During the pendency of which question a motion was made to adjourn.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have concurred in the amendment of the Senate to the bill of the House No. 324, an act to provide for the re location of the seat of justice of Blackford county.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have concurred in the report of the committee of free conference appointed to take into consideration the disagreement of the two Houses upon the amendments of the Senate to the bill of the House,

No. 158, an act to amend an act entitled an act to regulate the jurisdiction and duties of justices of the peace, approved February 17, 1838.

The following message was received from the House of Representatives by Mr. Brown, one of their assistant clerks:

Mr. President—

I am directed by the House of Representatives to inform the Senate that they have concurred in the amendment of the Senate to the bill of the House number 369, entitled an act to provide for the repair of the temporary bridges on the Cumberland road in Indiana.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have concurred in the amendment of the Senate to the bill of the House,

No. 281, an act to extend the time of payment to purchasers of saline and school lands in Washington, Rush, Delaware, Wayne, and Henry counties.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have concurred in the amendment of the Senate to bill of the House

No. 318, an act to establish certain state roads therein named, and for other purposes.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have concurred in the amendments of the Senate to bills of the House

No. 207, an act to incorporate the Deerfield, Albany, and Marion Turnpike company,

No. 223, an act to authorize the circuit court of Spencer county to hold an additional term,

No. 358, an act for the benefit of the assessor of Lawrence county.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The House of Representatives have passed an engrossed bill of the Senate as follows, to wit.

No. 35, an act to prohibit the amalgamation of Whites and Blacks, without amendment.

The following message was received from the House of Representatives, by Mr. Harris, their clerk.

Mr. President—

The House of Representatives have passed an engrossed bill of the Senate,

No. 163, an act to amend an act entitled an act concerning the Seminary townships of land in Gibson and Monroe counties, approved January 25th, 1827, without amendment.



The following message was received from the House of Representatives by Mr. Harris, their clerk:

MR. PRESIDENT—

The House of Representatives have concurred in the amendments of Senate to bills of the House,

No. 378, an act relative to the probate court of Clark county;

No. 310, an act to provide for the sale of the Michigan road lands remaining unsold, and for other purposes.

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House, and find the same truly enrolled, to wit:

No. 318, an act declaring a divorce in a certain case therein named, and for other other purposes;

No. 240, an act for the relief of Mary M. Holiday;

No. 282, an act for the relief of William B. Campbell;

No. 212, an act for the relief of John D. Morrison;

No. 45, an act to amend an act subjecting real and personal estate to execution, approved February 4, 1831;

No. 358, an act for the benefit of the assessor of Lawrence county;

No. 223, an act to authorize the circuit court of Spencer county to hold an additional term;

No. 281, an act to extend the time of payment to purchasers of saline and school lands, in Washington, Rush, Delaware, Wayne and Henry counties;

Mr. Tuley, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills thereof of the Senate, and find the same truly enrolled, to wit:

No. 84, an act to vacate Georgetown in Hendricks county;

No. 161, an act for the relief of Julian Adams;

No. 57, an act to amend an act entitled an act to incorporate the the Richmond and Boston turnpike company, approved February 16, 1839;

No. 54, an act to vacate a part of the town of Shepherdstown;

No. 53, an act to amend an act regulating the summoning and empanneling grand and petit jurors;

No. 159, a joint resolution in relation to money due in the eastern cities and states for state bonds disposed of;

No. 158, a joint resolution relative to saline and seminary lands;

No. 65, an act to repeal a part of the 50th and 51st sections of an

act entitled an act relating to state roads, approved February 6th, 1837;

No. 106, an act to amend the several acts of this state relative to the taking up of animals going astray and watercrafts and other articles of value adrift;

Mr. Elliott, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills, report that they did on this day compare the enrolled with the engrossed bills of the House, entitled as follows:

No. 193, an act to authorize the qualified voters of this state to vote for or against a convention for a revision of the constitution of this state;

No. 99, an act concerning the tax imposed on lands of non-residents in Pike county for the purpose of opening and repairing roads and highways;

No. 288, an act to vacate a certain state road in the county of St. Joseph;

No. 249, an act to amend an act entitled an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;

No. 265, an act for the relief of certificate holders to certain school lands in Monroe county;

No. 141, an act to incorporate the city of Fort Wayne;

Also, of the Senate entitled as follows:

No. 120, an act to authorize the election of one additional justice of the peace in Franklin township, Washington county;

No. 24, an act to amend the several acts regulating the practice at law;

No. 132, an act to authorize Campbell Dale to build a mill-dam across White river;

No. 12, an act amendatory of an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, and for other purposes;

No. 69, an act to authorize the sale of certain public ground in the town of St. Omer in Decatur county, and for other purposes;

And find the same truly enrolled.

Mr. Elliott made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed joint resolution of the House, as follows, to-wit:

No. 34, an act to vacate the town of Bath;

No. 83, an act concerning the incorporation of the town of Brookville and for other purposes,



And find the same truly enrolled.

Mr. Nave, from the committee on enrolled bills, reports:

Mr. President—

The committee on enrolled bills have this day presented to his Excellency the Governor for his approval and signature, the following bills which originated in the Senate, viz:

No. 71, a bill of the Senate, entitled an act to amend an act entitled an act authorizing the sale of certain school lands therein named and for other purposes, approved January 1st, 1838.

Mr. Elliott, from the committee on enrolled bills, reports:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills thereof as follows, to-wit:

No. 99, an act concerning the tax imposed on lands of non-residents in Pike county for the purpose of opening and repairing roads and highways;

No. 141, an act to incorporate the city of Fort Wayne;

No. 193, an act to authorize the qualified voters of this state to vote for or against a convention for a revision of the constitution of this state;

No. 249 an act to amend an act entitled an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;

No. 265, an act for the relief of certificate holders to certain school lands in Monroe county;

Mr. Tuley, from the committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House, and find the same truly enrolled, to-wit:

No. 131, an act to amend an act entitled an act to incorporate the town of Indianapolis, approved Feb. 17th, 1839;

No. 247, an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek in Dearborn co.

Mr. Nave, from the committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills which originated in the Senate and find the same truly enrolled, to-wit:

No. 77, an act for the relief of Maria T. Rush;

No. —, an act to amend an act defining the duties of county treasurers, collectors, &c., approved Feb. 18th, 1839;

No. 88, an act to prohibit the issuing or circulating of small notes called shin plasters;

And No. 94, an act to authorize the school commissioner of the county of St. Joseph to hold the appointment of county treasurer;

Mr. Tuley, from the committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills report that they have this day compared the following enrolled with the engrossed bills of the House and find them truly enrolled.

No. 313, an act to repeal a certain act therein named;

No. 153, an act to incorporate the White Lick Commercial company.

Mr. Nave, from the committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills have this day presented to his Excellency the Governor for his approval and signature the following bills which originated in the Senate, viz:

No. 12, an act amendatory to an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838, and for other purposes;

No. 69, an act to authorize the sale of certain public ground in the town of St. Omer in Decatur county, and for other purposes;

No. 24, an act to amend the several acts regulating the practice at law;

No. 132, an act to authorize Campbell Dale to build a mill-dam across White river; and

No. 121, an act to authorize the election of a justice of the peace in Franklin township, Washington county.

Mr. Watts from the committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills report that they have compared with the originals, the bills of the House, to-wit:

No. 355, an act supplemental to an act to provide for the inspection of salt, beef, pork, and tobacco; and

No. 92, an act for the relief of settlers on the Wabash and Erie Canal lands;

And find the same correctly enrolled.

Mr. Nave, from the committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills report that they have this day compared the following engrossed with the enrolled bills, and find the same truly enrolled, to-wit:

No. 84, bill of the House of Representatives, an act to incorporate the city of Richmond, in Wayne county, Indiana;



No. 157, a bill of the Senate, an act to relocate a state road in the counties of Gibson and Pike, and

No. 91, a bill of the Senate, an act to incorporate the Leesburg School Society;

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills thereof,

No. 92, an act for the relief of settlers on the Wabash and Erie Canal lands;

No. 355, an act supplemental to an act to provide for the inspection of salt, beef, pork, and tobacco;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills thereof,

No. 131, an act to amend an act entitled an act to incorporate the town of Indianapolis, approved February 17, 1838;

No. 247, an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek in Dearborn county,

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed the following enrolled bills of the Senate,

No. 12, an act amendatory to an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, and for other purposes;

No. 24, an act to amend the several acts regulating the practice at law;

No. 69, an act to authorize the sale of certain public ground in the town of St. Omer in Decatur county, and for other purposes;

No. 120, an act to authorize the election of an additional justice of the peace in Franklin township, Washington county;

No. 132, an act to authorize Campbell Dale to build a mill-dam across White river;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills and joint resolutions of the Senate as follows, to wit:

No. —, an act to amend an act defining the duties of county treasurers, collectors, &c. approved Feb. 18, 1839;

No. 53, an act to amend an act regulating the summoning and empanneling grand and petit jurors;

No. 57, an act to amend an act to incorporate the Richmond and Boston turnpike company, approved February 15, 1839;

No. 65, an act to repeal a part of the 50th and 51st sections of an act entitled an act relating to state roads, approved February 6th, 1837;

No. 77, an act for the relief of Maria T. Rush of Dearborn county;

No. 88, an act to prohibit the issuing or circulating small notes commonly called shin-plasters;

No. 92, an act to authorize the school commissioner of the county of St. Joseph to hold the appointment of county treasurer;

No. —, an act to vacate Georgetown in Hendricks county;

No. 106, an act to amend the several acts of this state relative to the taking up of animals going astray and water crafts and other articles of value adrift,

No. —, an act to vacate a part of the town of Shepherdstown;

No. 158, a joint resolution in relation to saline and seminary lands,

No. 161, an act for the relief of Julia Ann Adams,

No. 159, a joint resolution in relation to money due in the eastern cities and states for state bonds disposed of.

Also, the following enrolled bills of the House,

No. 45, an act to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831;

No. 212, an act for the relief of John D. Morrison;

No. 223, an act to authorize the circuit court of Spencer county to hold an additional term;

No. 240, an act for the relief Mary M. Holliday, administratrix of the estate of James W. Holiday, late collector of Tippecanoe county;

No. 281, an act to extend the time of payment to the purchasers of saline and school lands;

No. 282, an act for the relief of William B. Campbell;

No. 318, an act declaring a divorce in a certain case therein named, and for other purposes;

And No. 358, an act for the benefit of the assessor of Lawrence county and for other purposes;

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.



The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed bills of the following titles, to-wit:

No. 288, an act to vacate a state road in the county of St. Joseph;

Also, an enrolled bill of the Senate,

No. 71, an act to amend an act entitled an act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1st, 1838;

I am directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

The following message was received from the House of Representatives by Mr. Harris, their Clerk:

Mr. President—

The Speaker of the House of Representatives having signed enrolled bills of the Senate, as follows, to-wit:

No. 91, an act to incorporate the Leesburgh school society,

No. 157, an act to re-locate a state road in the counties of Gibson and Pike;

Also, the following enrolled bills of the House,

No. 94, an act to incorporate the city of Richmond, Wayne county, Indiana;

No. 153, an act to incorporate White Lick commercial company;

No. 313, an act to repeal a certain act therein named,

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

The following message was received from the Governor by Mr. Moore, his private secretary:

Mr. President—

I am directed by the Governor to inform the Senate that he has this day approved and signed bills entitled acts as follows:

An act to amend several acts regulating the practice at law,

An act to authorize Campbell Dale to build a mill dam across White river,

An act to authorize the sale of certain public ground in the town of St. Omer in Decatur county, and for other purposes,

An act amendatory of an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838, and for other purposes;

An act to authorize the election of an additional justice of the peace in Franklin township, Washington county,

An act to amend an act entitled an act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1, 1838,

All of which originated in the Senate.

On motion of Mr. Beard of M.

*Resolved*, That when the Senate next adjourn, it will adjourn to meet on Monday morning next at 7 o'clock, A. M.

Mr. Brady renewed his motion on the subject of the Cass county revenue;

During the pendency of which question,

On motion the Senate adjourned.

MONDAY MORNING, FEB. 24.

The Senate assembled.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, made the following report:

Mr. President—

The committee on canals and internal improvements, to whom was referred sundry resolutions of the Senate, nine in number, all general subjects of inquiry in some way or other connected with the subject of internal improvements ask to report that said various subjects have been fully before the Senate in different forms already; that said committee have had several meetings on these and other subjects to them referred and reported upon. Said committee believe that further action on the questions now in their possession is unnecessary. They therefore return the same to the Senate and ask to be discharged from the further consideration thereof.

On motion of Mr. Lane,

*Resolved*, That a committee of two be appointed on the part of the Senate to act with a similar committee on the part of the House to wait on his Excellency the Governor and inform him that both houses have gone through their legislative business and are ready to adjourn *sine die*, and learn of him if he has any further communications to make to the General Assembly.

*Ordered*, That Messrs. Beard of M. and Lane be said committee.

Mr. Nave, from the joint committee on enrolled bills, made the following report:

Mr. President—

The joint committee on enrolled bills have compared the enrolled with the engrossed bills and joint resolutions which originated in the



House of Representatives, as follows, to-wit:

- No. 384, a joint resolution on the subject of the revenue;
  - No. 289, an act to amend an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators, and guardians, approved Feb. 17, 1838;
  - No. 379, an act for the relief of John Wynn and others;
  - No. 109, an act to incorporate the Governor's Guards of Gentryville in Spencer county;
  - No. 293, an act relative to Clay county Seminary;
  - No. 380, an act for the relief of those likely to suffer from the destruction by fire of the books and papers in relation to the surplus revenue in Carroll county, and to secure its final payment;
  - No. 330, an act defining the duty of the county board in a certain case therein named;
  - No. 373, an act to vacate a part of a state road;
  - No. 344, an act relative to the collection of Revenue;
  - No. 361, an act to repeal an act providing for a more uniform mode of doing township business, approved Feb. 17, 1838, so far as relates to Washington county;
  - No. 338, an act concerning school districts in Scott county;
  - No. 320, an act to change the name of the town of Newton to that of Rensselaer;
  - No. 339, an act to repeal so much of the fourth section of an act entitled an act for the formation of the second and third judicial circuits and providing for holding courts therein, approved Feb. 17, 1838, as relates to the June term of the Jefferson circuit court;
  - No. 378, an act relative to the probate courts in Clark county;
  - No. 362, an act to establish a certain state road therein named;
  - No. 341, an act to authorize the election of an additional justice of the peace in the town of Pittsburgh in Carroll county;
  - No. 311, an act for the relief of John Hyden of Owen county;
  - No. 364, an act to authorize the relocation of a part of a certain state road in Carroll county therein named,  
And find the same correctly enrolled.
- The following message was received from the House of Representatives, by Mr. Harris, their clerk:

Mr. PRESIDENT—

The House of Representatives refuse to concur in the amendment of the Senate to joint resolution of the House,

No. 378, a joint resolution in relation to the appointment of an agent to examine the condition of the State Bank of Indiana;

The following message was received from the House of Representatives by Mr. Harris, their clerk:

Mr. PRESIDENT:

The House of Representatives have reciprocated the resolution of

the Senate for the appointment of a committee to wait on his Excellency the Governor and inform him that the two houses have gone through their business and are ready to adjourn *sine die*, and learn of him if he has any further communication to make to the General Assembly.

Messrs. Bennet and Spann have been appointed a committee on the part of the House.

Mr. Nave, from the joint committee on enrolled bills made the follows report:

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they have this day presented to the Governor of the State for his approval and signature the following enrolled bills and joint resolutions which originated in the Senate, viz:

No. 57, an act to amend an act entitled an act to incorporate the Richmond and Boston Turnpike Company, approved February 16, 1839,

No. —, a joint resolution in relation to money due in the eastern cities and states for bonds disposed of,

No. 15, a joint resolution relative to saline and seminary lands;

No. —, an act to relocate a state road in the counties of Gibson and Pike;

No. 65, an act to repeal a part of the 50th and 51st sections of an act entitled an act relating to state roads, approved February 6th, 1837;

No. —, an act to vacate part of the town of Shepherdstown;

No. 106, an act to amend the several acts of this state relative to the taking up of animals going estray and watercrafts and other articles of value a drift;

No. 161, an act for the relief of Julia Ann Adams,

No. 53, an act to amend the act regulating the summoning and empannelling grand and petit jurors,

No. —, an act to vacate Georgetown, in Hendricks county,

No. 77, an act for the relief of Mariah T. Rush,

No. 88, an act to prohibit the issuing or circulation of small notes, commonly called shin plasters,

No. 92, an act to authorize the school commissioners of the county of St. Joseph, to hold the appointment of county treasurer,

No. —, an act to amend an act defining the duties of county treasurers, collectors, &c., approved February 18th, 1839,

No. 91, an act to incorporate the Leesburgh School Society,

No. —, an act relating to state roads,

No. 35, an act to prohibit the amalgamation of Whites and Blacks,  
No. —, an act to incorporate the Spencer County Working Men's Institute for Mutual Instruction,

No. 144, an act to incorporate the Indianapolis Typographical Society,

No. 135, an act amendatory to an act entitled an act incorporating



congressional townships, and providing for common schools therein, approved February 17th, 1838.

No. 25, an act relative to the State House and for other purposes.

No. 136, an act in relation to lands within the chartered limits of the city of New Albany, and solely used for farming and woodland purposes,

No. 149, an act fixing the time of Holding the session of the board of commissioners of the county of Marion for the year 1840,

No. 147, an act to regulate vending merchandize at auction in this state,

No. 163, an act to amend an act entitled an act concerning the seminary townships of land in Gibson and Monroe counties, approved January 25th, 1837,

No. 150, an act to amend an act to amend the several acts for the collection of the revenue and to repeal an act to provide a fund to encourage common schools, approved February 2d, 1832, and an act in furtherance thereof, approved February 7th, 1835, approved February 18th, 1839,

No. 86, an act to amend the act to regulate general elections, approved February 17, 1838,

No. 143, a preamble and joint resolution in relation to the north-western boundary, and

No. 107, an act providing for selecting, rating and selling lands yet due on the Wabash and Erie canal lands, east of the mouth of Tippecanoe river, and for other purposes.

Mr. Nave, from the joint committee on enrolled bills, made the following report:

Mr. President—

The joint committee on enrolled bills report, that they have compared the engrossed with the enrolled bills, and find them to be truly enrolled bills, which originated in the Senate, viz:

No. , an act relating to state roads,

No. 35, an act to prohibit the amalgamation of Whites and Blacks,

No. , an act to incorporate the Spencer County Working Men's Institute, for Mutual Instruction,

No. 144, an act to incorporate the Indianapolis Typographical Society,

No. 135, an act amendatory to an act entitled an act incorporating congressional townships and providing for common schools therein, approved February 17th, 1838,

No. 25, an act relative to the State House, and for other purposes,

No. 136, an act in relation to lands within the chartered limits of the city of New Albany and solely used for farming and wood land purposes,

No. 149, an act fixing the time of holding the session of the board of commissioners of the county of Marion for the year 1840,

No. 147, an act to regulate vending merchandize at auction in this state,

No. 163, an act to amend an act entitled an act concerning the seminary townships of land in Gibson and Moroe counties, approved January, 25, 1837,

No. 150, an act to amend an act to amend the several acts for the collection of the revenue, and to repeal an act to provide a fund to encourage common schools, approved February 2, 1832, and an act in furtherance thereof, approved February 7th, 1835, approved February 18th, 1839,

No. 86, an act to amend the act to regulate general elections, approved February 17th, 1838,

No. 143, a preamble and joint resolution in relation to the north eastern boundary, and

No. 107, an act providing for selecting, rating, and selling lands yet due on the Wabash and Erie canal lands east of the mouth of Tippecanoe river, and for other purposes.

The following message was received from the House of Representatives by Mr. Bowles, a member:

Mr. President—

The House of Representatives have concurred in the amendment of the Senate to bill of the House,

No. 324, an act to dissolve the present board of internal improvement, the board of fund commissioners and the engineer department.

Mr. Nave made the following report:

Mr. President—

The joint committee on enrolled bills, have compared the enrolled with the engrossed bills as follows, to wit:

Bills of the House, No. 209, an act to incorporate the Patriot Silk and Trading Company,

No. 353, an act to a portion of the citizens of township fifteen, north of range eight east, in Hancock county, to build a school house on section thirty in said county (township.)

No. 368, an act making general appropriations for the year 1840.

No. 345, a joint resolution in relation to the state prison,

No. 370, an act for the relief of Mentor Johnson, collector of Clay county,

No. 91, an act to legalize the acts of the trustees of the town of Rockport in Spencer county, and for other purposes,

No. 158, an act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838,

No. 363, an act making specific appropriations for the year 1840,

No. 343, an act to incorporate the Crawfordsville Female Institute,



No. 356, an act supplemental to an act entitled an act to amend the law concerning domestic attachments passed at the present session, and for other purposes,

No. 360, a joint resolution in relation to the expenditures attendant on the issue of treasury notes and for other purposes,

No. 310, an act to provide for the sale of Michigan road lands remaining unsold, and for other purposes,

No. 234, an act for the re-location of the seat of justice of Blackford county.

No. 161, an act to incorporate the Wabash Rangers,

No. 348, an act to establish certain state roads therein named, and for other purposes,

And find the same correctly enrolled.

Mr. Armstrong made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the enrolled with the engrossed bill as follows, to wit:

No. 324 of the House, an act to dissolve the present board of internal improvement, the board of fund commissioners and the engineer department.

And find the same truly enrolled.

The following message was received from the Governor by Mr. Moore, his private secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has this day approved and signed bills entitled acts as follows, to wit:

An act fixing the time of holding the session of the board of commissioners of the county of Marion for the year 1840,

An act in relation to lands within the chartered limits of the city of New Albany, and solely used for farming and woodland purposes,

An act in relation to the state house and for other purposes,

An act to incorporate the Indianapolis Typographical Society,

An act to incorporate the Spencer county Working Man's Institute for mutual instruction,

An act to regulate vending merchandise at auction in this state,

An act to amend an act entitled an act concerning the seminary townships of land in Gibson and Monroe counties, approved January 25, 1837,

An act to amend an act to amend the several acts for the collection of the revenue and to repeal an act to provide a fund to encourage common schools, approved Feb. 2, 1832, and an act in furtherance thereof, approved Feb. 7, 1835, approved Feb. 13, 1839,

An act amendatory to an act entitled an act incorporating congressional townships, and providing for common schools therein, approved February 17th, 1838.

An act to repeal a part of the 50th and 51st sections of an act entitled an act relating to state roads, approved Feb. 6, 1837,

An act to vacate a part of the town of Shepherdstown;

An act to amend an act entitled an act to incorporate the Richmond and Boston turnpike company, approved February 15, 1839;

An act to re-locate a state road in the counties of Gibson and Pike;

An act to amend the several acts of this state relative to the taking up of animals going astray and watercrafts and other articles of value adrift;

An act for the relief of Julia Ann Adams;

An act to vacate Georgetown in Hendricks county;

An act to incorporate the Leesburgh school society,

An act to prohibit the issuing or circulating of small notes commonly called shin plasters;

An act to authorize the school commissioner of the county of St. Joseph to hold the appointment of county treasurer;

An act for the relief of Maria T. Rush of Dearborn county;

An act to amend an act regulating the summoning and empanneling grand and petit jurors;

An act to amend an act defining the duties of county treasurers, collectors, &c., approved Feb. 18th, 1839;

An act relating to state roads,

And also an act entitled,

An act to prohibit the amalgamation of Whites and Blacks.

The Governor has also on this day, approved and signed joint resolutions as follows, to wit:

A joint resolution relative to saline and seminary lands;

A joint resolution in relation to money due in the eastern cities and states for state bonds disposed of;

And a preamble and joint resolution entitled,

A preamble and joint resolution in relation to the north eastern boundary.

All of which originated in the Senate.

The following message was received from the Governor by Mr. Moore, his private secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has this day approved and signed a bill entitled an act as follows, to wit:

An act providing for selecting, rating and selling lands yet due on the Wabash and Erie canal, east of the mouth of Tippecanoe river, and for other purposes,

Which originated in the Senate.

Mr. Lane, from the committee appointed to wait upon the Governor and inform him that the two houses were ready to receive any further



communications which he might be pleased to make to them, made the following report:

Mr. PRESIDENT—

The committee appointed on the part of the Senate, to act with a similar one on the part of the House of Representatives, to wait on the Governor and learn of him if he has any further communications to make, have performed that duty, and received for answer, that he has no further communications to make.

The following message was received from the House of Representatives, by Mr. Harris, their clerk.

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have gone through with their business, and are now ready to adjourn *sine die*.

And, on motion of Mr. Armstrong,

The Senate adjourned *sine die*.

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